

# UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS  
ENACTED DURING THE SECOND SESSION OF THE  
ONE HUNDRED FOURTH CONGRESS  
OF THE UNITED STATES OF AMERICA

1996

AND

PROCLAMATIONS

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VOLUME 110

IN SIX PARTS

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PART 2

PUBLIC LAWS 104-129 THROUGH 104-187



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1997

PUBLISHED BY AUTHORITY OF LAW UNDER THE DIRECTION OF THE ARCHIVIST OF THE UNITED STATES BY THE OFFICE OF THE FEDERAL REGISTER, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

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# CONTENTS

## PART 1

	Page
LIST OF BILLS ENACTED INTO PUBLIC LAW .....	v
LIST OF PUBLIC LAWS .....	vii
LIST OF BILLS ENACTED INTO PRIVATE LAW .....	xvii
LIST OF PRIVATE LAWS .....	xix
LIST OF CONCURRENT RESOLUTIONS .....	xxi
LIST OF PROCLAMATIONS .....	xxiii
PUBLIC LAWS 104-90 THROUGH 104-128 .....	3
POPULAR NAME INDEX .....	A1
SUBJECT INDEX .....	B1

## PART 2

LIST OF BILLS ENACTED INTO PUBLIC LAW .....	v
LIST OF PUBLIC LAWS .....	vii
LIST OF BILLS ENACTED INTO PRIVATE LAW .....	xvii
LIST OF PRIVATE LAWS .....	xix
LIST OF CONCURRENT RESOLUTIONS .....	xxi
LIST OF PROCLAMATIONS .....	xxiii
PUBLIC LAWS 104-129 THROUGH 104-187 .....	1199
POPULAR NAME INDEX .....	A1
SUBJECT INDEX .....	B1

## PART 3

LIST OF BILLS ENACTED INTO PUBLIC LAW .....	v
LIST OF PUBLIC LAWS .....	vii
LIST OF BILLS ENACTED INTO PRIVATE LAW .....	xvii
LIST OF PRIVATE LAWS .....	xix
LIST OF CONCURRENT RESOLUTIONS .....	xxi
LIST OF PROCLAMATIONS .....	xxiii
PUBLIC LAWS 104-188 THROUGH 104-201 .....	1755
POPULAR NAME INDEX .....	A1
SUBJECT INDEX .....	B1

## PART 4

LIST OF BILLS ENACTED INTO PUBLIC LAW .....	v
LIST OF PUBLIC LAWS .....	vii
LIST OF BILLS ENACTED INTO PRIVATE LAW .....	xvii
LIST OF PRIVATE LAWS .....	xix
LIST OF CONCURRENT RESOLUTIONS .....	xxi
LIST OF PROCLAMATIONS .....	xxiii
PUBLIC LAWS 104-202 THROUGH 104-236 .....	2871
POPULAR NAME INDEX .....	A1
SUBJECT INDEX .....	B1

## PART 5

LIST OF BILLS ENACTED INTO PUBLIC LAW .....	v
LIST OF PUBLIC LAWS .....	vii
LIST OF BILLS ENACTED INTO PRIVATE LAW .....	xvii
LIST OF PRIVATE LAWS .....	xix
LIST OF CONCURRENT RESOLUTIONS .....	xxi
LIST OF PROCLAMATIONS .....	xxiii
PUBLIC LAWS 104-237 THROUGH 104-316 .....	3099
POPULAR NAME INDEX .....	A1
SUBJECT INDEX .....	B1

## PART 6

LIST OF BILLS ENACTED INTO PUBLIC LAW .....	v
LIST OF PUBLIC LAWS .....	vii
LIST OF BILLS ENACTED INTO PRIVATE LAW .....	xvii
LIST OF PRIVATE LAWS .....	xix
LIST OF CONCURRENT RESOLUTIONS .....	xxi
LIST OF PROCLAMATIONS .....	xxiii
PUBLIC LAWS 104-317 THROUGH 104-333 .....	3847
PRIVATE LAWS .....	4285
CONCURRENT RESOLUTIONS .....	4291
PROCLAMATIONS .....	4499
POPULAR NAME INDEX .....	A1
SUBJECT INDEX .....	B1

# LIST OF BILLS ENACTED INTO PUBLIC LAW

THE ONE HUNDRED FOURTH CONGRESS OF THE UNITED STATES  
SECOND SESSION, 1996

BILL	PUBLIC LAW	BILL	PUBLIC LAW	BILL	PUBLIC LAW
H.R. 248 .....	104-166	H.R. 1975 .....	104-185	H.R. 2924 .....	104-103
H.R. 255 .....	104-135	H.R. 2024 .....	104-142	H.R. 2967 .....	104-259
H.R. 497 .....	104-169	H.R. 2029 .....	104-105	H.R. 2969 .....	104-128
H.R. 543 .....	104-283	H.R. 2036 .....	104-119	H.R. 2982 .....	104-213
H.R. 632 .....	104-308	H.R. 2061 .....	104-101	H.R. 2988 .....	104-260
H.R. 657 .....	104-241	H.R. 2064 .....	104-144	H.R. 3005 .....	104-290
H.R. 680 .....	104-242	H.R. 2066 .....	104-149	H.R. 3019 .....	104-134
H.R. 701 .....	104-165	H.R. 2070 .....	104-161	H.R. 3021 .....	104-115
H.R. 740 .....	104-198	H.R. 2111 .....	104-108	H.R. 3029 .....	104-151
H.R. 782 .....	104-177	H.R. 2196 .....	104-113	H.R. 3034 .....	104-133
H.R. 869 .....	104-136	H.R. 2243 .....	104-143	H.R. 3055 .....	104-141
H.R. 927 .....	104-114	H.R. 2297 .....	104-287	H.R. 3056 .....	104-240
H.R. 1011 .....	104-243	H.R. 2337 .....	104-168	H.R. 3060 .....	104-227
H.R. 1014 .....	104-244	H.R. 2353 .....	104-110	H.R. 3068 .....	104-261
H.R. 1051 .....	104-173	H.R. 2366 .....	104-224	H.R. 3074 .....	104-234
H.R. 1114 .....	104-174	H.R. 2415 .....	104-138	H.R. 3103 .....	104-191
H.R. 1266 .....	104-123	H.R. 2428 .....	104-210	H.R. 3107 .....	104-172
H.R. 1281 .....	104-309	H.R. 2437 .....	104-158	H.R. 3118 .....	104-262
H.R. 1290 .....	104-245	H.R. 2464 .....	104-211	H.R. 3121 .....	104-164
H.R. 1335 .....	104-246	H.R. 2504 .....	104-225	H.R. 3136 .....	104-121
H.R. 1350 .....	104-239	H.R. 2508 .....	104-250	H.R. 3139 .....	104-187
H.R. 1358 .....	104-91	H.R. 2512 .....	104-223	H.R. 3155 .....	104-311
H.R. 1366 .....	104-247	H.R. 2556 .....	104-139	H.R. 3159 .....	104-291
H.R. 1508 .....	104-163	H.R. 2579 .....	104-288	H.R. 3161 .....	104-171
H.R. 1514 .....	104-284	H.R. 2594 .....	104-251	H.R. 3166 .....	104-292
H.R. 1606 .....	104-100	H.R. 2630 .....	104-252	H.R. 3186 .....	104-228
H.R. 1627 .....	104-170	H.R. 2657 .....	104-111	H.R. 3215 .....	104-178
H.R. 1642 .....	104-203	H.R. 2660 .....	104-253	H.R. 3230 .....	104-201
H.R. 1643 .....	104-92	H.R. 2679 .....	104-212	H.R. 3235 .....	104-179
H.R. 1718 .....	104-112	H.R. 2695 .....	104-254	H.R. 3249 .....	104-312
H.R. 1734 .....	104-285	H.R. 2700 .....	104-255	H.R. 3259 .....	104-293
H.R. 1743 .....	104-147	H.R. 2704 .....	104-159	H.R. 3269 .....	104-195
H.R. 1772 .....	104-209	H.R. 2726 .....	104-109	H.R. 3287 .....	104-215
H.R. 1776 .....	104-329	H.R. 2739 .....	104-186	H.R. 3364 .....	104-160
H.R. 1787 .....	104-124	H.R. 2773 .....	104-256	H.R. 3378 .....	104-313
H.R. 1791 .....	104-248	H.R. 2778 .....	104-117	H.R. 3396 .....	104-199
H.R. 1804 .....	104-137	H.R. 2779 .....	104-289	H.R. 3400 .....	104-229
H.R. 1823 .....	104-286	H.R. 2803 .....	104-152	H.R. 3448 .....	104-188
H.R. 1836 .....	104-148	H.R. 2816 .....	104-257	H.R. 3458 .....	104-263
H.R. 1868 .....	104-107	H.R. 2853 .....	104-162	H.R. 3517 .....	104-196
H.R. 1874 .....	104-310	H.R. 2854 .....	104-127	H.R. 3525 .....	104-155
H.R. 1880 .....	104-157	H.R. 2869 .....	104-258	H.R. 3539 .....	104-264
H.R. 1965 .....	104-150	H.R. 2880 .....	104-99	H.R. 3546 .....	104-265

## LIST OF BILLS ENACTED INTO PUBLIC LAW

BILL	PUBLIC LAW	BILL	PUBLIC LAW	BILL	PUBLIC LAW
H.R. 3553 .....	104-216	H.J. Res. 78 ....	104-125	S. 1505 .....	104-304
H.R. 3568 .....	104-314	H.J. Res. 134 ...	104-94	S. 1507 .....	104-232
H.R. 3603 .....	104-180	H.J. Res. 153 ...	104-90	S. 1577 .....	104-274
H.R. 3610 .....	104-208	H.J. Res. 165 ...	104-118	S. 1579 .....	104-156
H.R. 3632 .....	104-315	H.J. Res. 166 ...	104-181	S. 1636 .....	104-221
H.R. 3660 .....	104-266	H.J. Res. 168 ...	104-129	S. 1649 .....	104-326
H.R. 3666 .....	104-204	H.J. Res. 170 ...	104-122	S. 1669 .....	104-202
H.R. 3675 .....	104-205	H.J. Res. 175 ...	104-131	S. 1675 .....	104-236
H.R. 3676 .....	104-217	H.J. Res. 191 ...	104-218	S. 1711 .....	104-275
H.R. 3680 .....	104-192	H.J. Res. 193 ...	104-321	S. 1757 .....	104-183
H.R. 3710 .....	104-230	H.J. Res. 194 ...	104-322	S. 1802 .....	104-276
H.R. 3723 .....	104-294	H.J. Res. 197 ...	104-207	S. 1887 .....	104-317
H.R. 3734 .....	104-193	H.J. Res. 163 ...	104-116	S. 1899 .....	104-167
H.R. 3754 .....	104-197			S. 1903 .....	104-154
H.R. 3802 .....	104-231	S. 4 .....	104-130	S. 1931 .....	104-277
H.R. 3815 .....	104-295	S. 39 .....	104-297	S. 1965 .....	104-237
H.R. 3816 .....	104-206	S. 342 .....	104-323	S. 1970 .....	104-278
H.R. 3834 .....	104-189	S. 531 .....	104-175	S. 1973 .....	104-301
H.R. 3864 .....	104-316	S. 533 .....	104-219	S. 1995 .....	104-222
H.R. 3870 .....	104-190	S. 640 .....	104-303	S. 2078 .....	104-307
H.R. 3871 .....	104-267	S. 641 .....	104-146	S. 2085 .....	104-279
H.R. 3877 .....	104-268	S. 652 .....	104-104	S. 2100 .....	104-280
H.R. 3910 .....	104-318	S. 677 .....	104-220	S. 2101 .....	104-238
H.R. 3916 .....	104-269	S. 735 .....	104-132	S. 2153 .....	104-281
H.R. 3973 .....	104-270	S. 811 .....	104-298	S. 2183 .....	104-327
H.R. 4018 .....	104-200	S. 919 .....	104-235	S. 2197 .....	104-302
H.R. 4036 .....	104-319	S. 1004 .....	104-324	S. 2198 .....	104-328
H.R. 4083 .....	104-306	S. 1044 .....	104-299		
H.R. 4137 .....	104-305	S. 1124 .....	104-106	S.J. Res. 20 ....	104-176
H.R. 4138 .....	104-271	S. 1136 .....	104-153	S.J. Res. 38 ....	104-126
H.R. 4167 .....	104-272	S. 1194 .....	104-325	S.J. Res. 53 ....	104-140
H.R. 4168 .....	104-273	S. 1316 .....	104-182	S.J. Res. 64 ....	104-282
H.R. 4194 .....	104-320	S. 1341 .....	104-102		
H.R. 4236 .....	104-333	S. 1467 .....	104-300		
H.R. 4283 .....	104-332				

# LIST OF PUBLIC LAWS

## CONTAINED IN THIS VOLUME

<i>PUBLIC LAW</i>		<i>DATE</i>	<i>PAGE</i>
104-90 .....	Making further continuing appropriations for the fiscal year 1996, and for other purposes.	Jan. 4, 1996 .....	3
104-91 .....	To require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts.	Jan. 6, 1996 .....	7
104-92 <sup>1</sup> ....	Making appropriations for certain activities for the fiscal year 1996, and for other purposes.	Jan. 6, 1996 .....	16
104-94 <sup>1</sup> ....	Making further continuing appropriations for the fiscal year 1996, and for other purposes.	Jan. 6, 1996 .....	25
104-99 .....	The Balanced Budget Downpayment Act, I .....	Jan. 26, 1996 .....	26
104-100 ....	To designate the United States Post Office building located at 24 Corliss Street, Providence, Rhode Island, as the "Harry Kizirian Post Office Building".	Feb. 1, 1996 .....	48
104-101 ....	To designate the Federal building located at 1550 Dewey Avenue, Baker City, Oregon, as the "David J. Wheeler Federal Building".	Feb. 1, 1996 .....	49
104-102 ....	Saddleback Mountain-Arizona Settlement Act of 1995 .....	Feb. 6, 1996 .....	50
104-103 ....	To guarantee the timely payment of social security benefits in March 1996.	Feb. 8, 1996 .....	55
104-104 ....	Telecommunications Act of 1996 .....	Feb. 8, 1996 .....	56
104-105 ....	Farm Credit System Reform Act of 1996 .....	Feb. 10, 1996 .....	162
104-106 ....	National Defense Authorization Act for Fiscal Year 1996	Feb. 10, 1996 .....	186
104-107 ....	Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996.	Feb. 12, 1996 .....	704
104-108 ....	To designate the Federal building located at 1221 Nevin Avenue in Richmond, California, as the "Frank Hagel Federal Building".	Feb. 12, 1996 .....	762
104-109 ....	To make certain technical corrections in laws relating to Native Americans, and for other purposes.	Feb. 12, 1996 .....	763
104-110 ....	To amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to carry out certain programs and activities, to require certain reports from the Secretary of Veterans Affairs, and for other purposes.	Feb. 13, 1996 .....	768
104-111 ....	To award a congressional gold medal to Ruth and Billy Graham.	Feb. 13, 1996 .....	772
104-112 ....	To designate the United States courthouse located at 197 South Main Street in Wilkes-Barre, Pennsylvania, as the "Max Rosenn United States Courthouse".	Mar. 5, 1996 .....	774
104-113 ....	National Technology Transfer and Advancement Act of 1995.	Mar. 7, 1996 .....	775
104-114 ....	Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996.	Mar. 12, 1996 .....	785

<sup>1</sup>For Public Laws 104-93 and 104-95 through 104-98, see Volume 109 for the 104th Congress, First Session.

## LIST OF PUBLIC LAWS

PUBLIC LAW		DATE	PAGE
104-115 ....	To guarantee the continuing full investment of Social Security and other Federal funds in obligations of the United States.	Mar. 12, 1996 .....	825
104-116 ....	Making further continuing appropriations for the fiscal year 1996, and for other purposes.	Mar. 15, 1996 .....	826
104-117 ....	To provide that members of the Armed Forces performing services for the peacekeeping efforts in Bosnia and Herzegovina, Croatia, and Macedonia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes.	Mar. 20, 1996 .....	827
104-118 ....	Making further continuing appropriations for the fiscal year 1996, and for other purposes.	Mar. 22, 1996 .....	829
104-119 ....	Land Disposal Program Flexibility Act of 1996 .....	Mar. 26, 1996 .....	830
104-120 ....	Housing Opportunity Program Extension Act of 1996 .....	Mar. 28, 1996 .....	834
104-121 ....	Contract with America Advancement Act of 1996 .....	Mar. 29, 1996 .....	847
104-122 ....	Making further continuing appropriations for the fiscal year 1996, and for other purposes.	Mar. 29, 1996 .....	876
104-123 ....	Greens Creek Land Exchange Act of 1995 .....	Apr. 1, 1996 .....	879
104-124 ....	To amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirement.	Apr. 1, 1996 .....	882
104-125 ....	To grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois.	Apr. 1, 1996 .....	883
104-126 ....	Granting the consent of Congress to the Vermont-New Hampshire Interstate Public Water Supply Compact.	Apr. 1, 1996 .....	884
104-127 ....	Federal Agriculture Improvement and Reform Act of 1996	Apr. 4, 1996 .....	888
104-128 ....	Federal Tea Tasters Repeal Act of 1996 .....	Apr. 9, 1996 .....	1198
104-129 ....	Waiving certain enrollment requirements with respect to two bills of the One Hundred Fourth Congress.	Apr. 9, 1996 .....	1199
104-130 ....	Line Item Veto Act .....	Apr. 9, 1996 .....	1200
104-131 ....	Making further continuing appropriations for the fiscal year 1996, and for other purposes.	Apr. 24, 1996 .....	1213
104-132 ....	Antiterrorism and Effective Death Penalty Act of 1996 .....	Apr. 24, 1996 .....	1214
104-133 ....	To amend the Indian Self-Determination and Education Assistance Act to extend for two months the authority for promulgating regulations under the Act.	Apr. 25, 1996 .....	1320
104-134 ....	Omnibus Consolidated Rescissions and Appropriations Act of 1996.	Apr. 26, 1996 .....	1321
104-135 ....	To designate the Federal Justice Building in Miami, Florida, as the "James Lawrence King Federal Justice Building".	Apr. 30, 1996 .....	1322
104-136 ....	To designate the Federal building and United States courthouse located at 125 Market Street in Youngstown, Ohio, as the "Thomas D. Lambros Federal Building and United States Courthouse".	Apr. 30, 1996 .....	1323
104-137 ....	To designate the United States Post Office-Courthouse located at South 6th and Rogers Avenue, Fort Smith, Arkansas, as the "Judge Isaac C. Parker Federal Building".	Apr. 30, 1996 .....	1324
104-138 ....	To designate the United States Customs Administrative Building at the Ysleta/Zaragosa Port of Entry located at 797 South Zaragosa Road in El Paso, Texas, as the "Timothy C. McCaghren Customs Administrative Building".	Apr. 30, 1996 .....	1325
104-139 ....	To redesignate the Federal building located at 345 Middlefield Road in Menlo Park, California, and known as the Earth Sciences and Library Building, as the "Vincent E. McKelvey Federal Building".	Apr. 30, 1996 .....	1326
104-140 ....	Making corrections to Public Law 104-134 .....	May 2, 1996 .....	1327

# LIST OF PUBLIC LAWS

ix

<i>PUBLIC LAW</i>		<i>DATE</i>	<i>PAGE</i>
104-141 ....	To amend section 326 of the Higher Education Act of 1965 to permit continued participation by Historically Black Graduate Professional Schools in the grant program authorized by that section.	May 6, 1996 .....	1328
104-142 ....	Mercury-Containing and Rechargeable Battery Management Act.	May 13, 1996 .....	1329
104-143 ....	Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1995.	May 15, 1996 .....	1338
104-144 ....	To grant the consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia.	May 16, 1996 .....	1342
104-145 ....	Megan's Law .....	May 17, 1996 .....	1345
104-146 ....	Ryan White CARE Act Amendments of 1996 .....	May 20, 1996 .....	1346
104-147 ....	To amend the Water Resources Research Act of 1984 to extend the authorizations of appropriations through fiscal year 2000, and for other purposes.	May 24, 1996 .....	1375
104-148 ....	To authorize the Secretary of the Interior to acquire property in the town of East Hampton, Suffolk County, New York, for inclusion in the Amagansett National Wildlife Refuge.	May 24, 1996 .....	1378
104-149 ....	Healthy Meals for Children Act .....	May 29, 1996 .....	1379
104-150 ....	Coastal Zone Protection Act of 1996 .....	June 3, 1996 .....	1380
104-151 ....	To designate the United States courthouse in Washington, District of Columbia, as the "E. Barrett Prettyman United States Courthouse".	July 1, 1996 .....	1383
104-152 ....	Anti-Car Theft Improvements Act of 1996 .....	July 2, 1996 .....	1384
104-153 ....	Anticounterfeiting Consumer Protection Act of 1996 .....	July 2, 1996 .....	1386
104-154 ....	To designate the bridge, estimated to be completed in the year 2000, that replaces the bridge on Missouri highway 74 spanning from East Cape Girardeau, Illinois, to Cape Girardeau, Missouri, as the "Bill Emerson Memorial Bridge", and for other purposes.	July 2, 1996 .....	1391
104-155 ....	Church Arson Prevention Act of 1996 .....	July 3, 1996 .....	1392
104-156 ....	Single Audit Act Amendments of 1996 .....	July 5, 1996 .....	1396
104-157 ....	To designate the United States Post Office building located at 102 South McLean, Lincoln, Illinois, as the "Edward Madigan Post Office Building".	July 9, 1996 .....	1405
104-158 ....	To provide for the exchange of certain lands in Gilpin County, Colorado.	July 9, 1996 .....	1406
104-159 ....	To provide that the United States Post Office building that is to be located at 7436 South Exchange Avenue, Chicago, Illinois, shall be known and designated as the "Charles A. Hayes Post Office Building".	July 9, 1996 .....	1411
104-160 ....	To designate the Federal building and United States courthouse located at 235 North Washington Avenue in Scranton, Pennsylvania, as the "William J. Nealon Federal Building and United States Courthouse".	July 9, 1996 .....	1412
104-161 ....	To provide for the distribution within the United States of the United States Information Agency film entitled "Fragile Ring of Life".	July 18, 1996 .....	1413
104-162 ....	To authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria.	July 18, 1996 .....	1414
104-163 ....	National Children's Island Act of 1995 .....	July 19, 1996 .....	1416
104-164 ....	To amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.	July 21, 1996 .....	1421
104-165 ....	To authorize the Secretary of Agriculture to convey lands to the city of Rolla, Missouri.	July 24, 1996 .....	1443

## LIST OF PUBLIC LAWS

PUBLIC LAW		DATE	PAGE
104-166	.... To amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.	July 29, 1996	1445
104-167	.... Entitled the "Mollie Beattie Wilderness Area Act" .....	July 29, 1996	1451
104-168	.... Taxpayer Bill of Rights 2 .....	July 30, 1996	1452
104-169	.... National Gambling Impact Study Commission Act .....	Aug. 3, 1996	1482
104-170	.... Food Quality Protection Act of 1996 .....	Aug. 3, 1996	1489
104-171	.... To authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania.	Aug. 3, 1996	1539
104-172	.... Iran and Libya Sanctions Act of 1996 .....	Aug. 5, 1996	1541
104-173	.... To provide for the extension of certain hydroelectric projects located in the State of West Virginia.	Aug. 6, 1996	1552
104-174	.... To authorize minors who are under the child labor provisions of the Fair Labor Standards Act of 1938 and who are under 18 years of age to load materials into balers and compactors that meet appropriate American National Standards Institute design safety standards.	Aug. 6, 1996	1553
104-175	.... To authorize a circuit judge who has taken part in an in banc hearing of a case to continue to participate in that case after taking senior status, and for other purposes.	Aug. 6, 1996	1556
104-176	.... Granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland.	Aug. 6, 1996	1557
104-177	.... Federal Employee Representation Improvement Act of 1996.	Aug. 6, 1996	1563
104-178	.... To amend title 18, United States Code, to repeal the provision relating to Federal employees contracting or trading with Indians.	Aug. 6, 1996	1565
104-179	.... Office of Government Ethics Authorization Act of 1996 .....	Aug. 6, 1996	1566
104-180	.... Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1997.	Aug. 6, 1996	1569
104-181	.... Granting the consent of Congress to the Mutual Aid Agreement between the city of Bristol, Virginia, and the city of Bristol, Tennessee.	Aug. 6, 1996	1609
104-182	.... Safe Drinking Water Act Amendments of 1996 .....	Aug. 6, 1996	1613
104-183	.... Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1996.	Aug. 6, 1996	1694
104-184	.... District of Columbia Water and Sewer Authority Act of 1996.	Aug. 6, 1996	1696
104-185	.... Federal Oil and Gas Royalty Simplification and Fairness Act of 1996.	Aug. 13, 1996	1700
104-186	.... House of Representatives Administrative Reform Technical Corrections Act.	Aug. 20, 1996	1718
104-187	.... To redesignate the United States Post Office building located at 245 Centereach Mall on the Middle Country Road in Centereach, New York, as the "Rose Y. Caracappa United States Post Office Building".	Aug. 20, 1996	1754
104-188	.... Small Business Job Protection Act of 1996 .....	Aug. 20, 1996	1755
104-189	.... To redesignate the Dunning Post Office in Chicago, Illinois, as the "Roger P. McAuliffe Post Office".	Aug. 20, 1996	1931
104-190	.... To authorize the Agency for International Development to offer voluntary separation incentive payments to employees of that agency.	Aug. 20, 1996	1932
104-191	.... Health Insurance Portability and Accountability Act of 1996.	Aug. 21, 1996	1936

## LIST OF PUBLIC LAWS

xi

PUBLIC LAW		DATE	PAGE
104-192 ....	War Crimes Act of 1996 .....	Aug. 21, 1996 ....	2104
104-193 ....	Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	Aug. 22, 1996 ....	2105
104-194 ....	District of Columbia Appropriations Act, 1997 .....	Sept. 9, 1996 ....	2356
104-195 ....	To amend the Impact Aid program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property, and for other purposes.	Sept. 16, 1996 ....	2379
104-196 ....	Military Construction Appropriations Act, 1997 .....	Sept. 16, 1996 ....	2385
104-197 ....	Legislative Branch Appropriations Act, 1997 .....	Sept. 16, 1996 ....	2394
104-198 ....	To confer jurisdiction of the United States Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe.	Sept. 18, 1996 ....	2418
104-199 ....	Defense of Marriage Act .....	Sept. 21, 1996 ....	2419
104-200 ....	To make technical corrections in the Federal Oil and Gas Royalty Management Act of 1982.	Sept. 22, 1996 ....	2421
104-201 ....	National Defense Authorization Act for Fiscal Year 1997	Sept. 23, 1996 ....	2422
104-202 ....	To name the Department of Veterans Affairs medical center in Jackson, Mississippi, as the "G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center".	Sept. 24, 1996 ....	2871
104-203 ....	To extend nondiscriminatory treatment (most-favored-nation treatment) to the products of Cambodia, and for other purposes.	Sept. 25, 1996 ....	2872
104-204 ....	Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997.	Sept. 26, 1996 ....	2874
104-205 ....	Department of Transportation and Related Agencies Appropriations Act, 1997.	Sept. 30, 1996 ....	2951
104-206 ....	Energy and Water Development Appropriations Act, 1997	Sept. 30, 1996 ....	2984
104-207 ....	Waiving certain enrollment requirements with respect to any bill or joint resolution of the One Hundred Fourth Congress making general or continuing appropriations for fiscal year 1997.	Sept. 30, 1996 ....	3008
104-208 ....	Omnibus Consolidated Appropriations Act, 1997 .....	Sept. 30, 1996 ....	3009
104-209 ....	To authorize the Secretary of the Interior to acquire certain interests in the Waihee Marsh for inclusion in the Oahu National Wildlife Refuge Complex.	Oct. 1, 1996 .....	3010
104-210 ....	To encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law.	Oct. 1, 1996 .....	3011
104-211 ....	To amend Public Law 103-93 to provide additional lands within the State of Utah for the Goshute Indian Reservation, and for other purposes.	Oct. 1, 1996 .....	3013
104-212 ....	To revise the boundary of the North Platte National Wildlife Refuge, to expand the Petaquamscutt Cove National Wildlife Refuge, and for other purposes.	Oct. 1, 1996 .....	3014
104-213 ....	Carbon Hill National Fish Hatchery Conveyance Act .....	Oct. 1, 1996 .....	3016
104-214 ....	To amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering.	Oct. 1, 1996 .....	3017
104-215 ....	Crawford National Fish Hatchery Conveyance Act .....	Oct. 1, 1996 .....	3018
104-216 ....	Federal Trade Commission Reauthorization Act of 1996 ...	Oct. 1, 1996 .....	3019
104-217 ....	Carjacking Correction Act of 1996 .....	Oct. 1, 1996 .....	3020
104-218 ....	To confer honorary citizenship of the United States on Agnes Gonxha Bojaxhiu, also known as Mother Teresa.	Oct. 1, 1996 .....	3021
104-219 ....	To clarify the rules governing removal of cases to Federal court, and for other purposes.	Oct. 1, 1996 .....	3022
104-220 ....	To repeal a redundant venue provision, and for other purposes.	Oct. 1, 1996 .....	3023

## LIST OF PUBLIC LAWS

PUBLIC LAW		DATE	PAGE
104-221 ....	To designate the United States Courthouse under construction at 1030 Southwest 3rd Avenue, Portland, Oregon, as the "Mark O. Hatfield United States Courthouse", and for other purposes.	Oct. 1, 1996 .....	3024
104-222 ....	To authorize construction of the Smithsonian Institution National Air and Space Museum Dulles Center at Washington Dulles International Airport, and for other purposes.	Oct. 1, 1996 .....	3025
104-223 ....	Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1996.	Oct. 1, 1996 .....	3026
104-224 ....	To repeal an unnecessary medical device reporting requirement.	Oct. 2, 1996 .....	3031
104-225 ....	To designate the Federal building located at the corner of Patton Avenue and Otis Street, and the United States courthouse located on Otis Street, in Asheville, North Carolina, as the "Veatch-Baley Federal Complex".	Oct. 2, 1996 .....	3032
104-226 ....	To repeal the Medicare and Medicaid Coverage Data Bank	Oct. 2, 1996 .....	3033
104-227 ....	Antarctic Science, Tourism, and Conservation Act of 1996	Oct. 2, 1996 .....	3034
104-228 ....	To designate the Federal building located at 1655 Woodson Road in Overland, Missouri, as the "Sammy L. Davis Federal Building".	Oct. 2, 1996 .....	3045
104-229 ....	To designate the Federal building and the United States courthouse to be constructed at a site on 18th Street between Dodge and Douglas Streets in Omaha, Nebraska, as the "Roman L. Hruska Federal Building and United States Courthouse".	Oct. 2, 1996 .....	3046
104-230 ....	To designate the United States courthouse under construction at 611 North Florida Avenue in Tampa, Florida, as the "Sam M. Gibbons United States Courthouse".	Oct. 2, 1996 .....	3047
104-231 ....	Electronic Freedom of Information Act Amendments of 1996.	Oct. 2, 1996 .....	3048
104-232 ....	Parole Commission Phaseout Act of 1996 .....	Oct. 2, 1996 .....	3055
104-233 ....	To reauthorize the Indian Environmental General Assistance Program Act of 1992, and for other purposes.	Oct. 2, 1996 .....	3057
104-234 ....	To amend the United States-Israel Free Trade Area Implementation Act of 1985 to provide the President with additional proclamation authority with respect to articles of the West Bank or Gaza Strip or a qualifying industrial zone.	Oct. 2, 1996 .....	3058
104-235 ....	Child Abuse Prevention and Treatment Act Amendments of 1996.	Oct. 3, 1996 .....	3063
104-236 ....	Pam Lychner Sexual Offender Tracking and Identification Act of 1996.	Oct. 3, 1996 .....	3093
104-237 ....	Comprehensive Methamphetamine Control Act of 1996 ....	Oct. 3, 1996 .....	3099
104-238 ....	Federal Law Enforcement Dependents Assistance Act of 1996.	Oct. 3, 1996 .....	3114
104-239 ....	Maritime Security Act of 1996 .....	Oct. 8, 1996 .....	3118
104-240 ....	To permit a county-operated health insuring organization to qualify as an organization exempt from certain requirements otherwise applicable to health insuring organizations under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county.	Oct. 8, 1996 .....	3140
104-241 ....	To extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas.	Oct. 9, 1996 .....	3141
104-242 ....	To extend the time for construction of certain FERC licensed hydro projects.	Oct. 9, 1996 .....	3142
104-243 ....	To extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio.	Oct. 9, 1996 .....	3143

## LIST OF PUBLIC LAWS

xiii

PUBLIC LAW	DATE	PAGE
104-244 .... To authorize extension of time limitation for a FERC-issued hydroelectric license.	Oct. 9, 1996 .....	3144
104-245 .... To reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, and for other purposes.	Oct. 9, 1996 .....	3145
104-246 .... To provide for the extension of a hydroelectric project located in the State of West Virginia.	Oct. 9, 1996 .....	3146
104-247 .... To authorize the extension of time limitation for the FERC-issued hydroelectric license for the Mt. Hope Waterpower Project.	Oct. 9, 1996 .....	3147
104-248 .... To amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services.	Oct. 9, 1996 .....	3148
104-249 .... To extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Kentucky, and for other purposes.	Oct. 9, 1996 .....	3150
104-250 .... Animal Drug Availability Act of 1996 .....	Oct. 9, 1996 .....	3151
104-251 .... Railroad Unemployment Insurance Amendments Act of 1996.	Oct. 9, 1996 .....	3161
104-252 .... To extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.	Oct. 9, 1996 .....	3166
104-253 .... To increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge, and for other purposes.	Oct. 9, 1996 .....	3167
104-254 .... To extend the deadline under the Federal Power Act applicable to the construction of certain hydroelectric projects in the State of Pennsylvania.	Oct. 9, 1996 .....	3168
104-255 .... To designate the building located at 8302 FM 327, Elmen-dorf, Texas, which houses operations of the United States Postal Service, as the "Amos F. Longoria Post Office Building".	Oct. 9, 1996 .....	3169
104-256 .... To extend the deadline under the Federal Power Act applicable to the construction of 2 hydroelectric projects in North Carolina, and for other purposes.	Oct. 9, 1996 .....	3170
104-257 .... To reinstate the license for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Ohio, and for other purposes.	Oct. 9, 1996 .....	3171
104-258 .... To extend the deadline for commencement of construction of a hydroelectric project in the State of Kentucky.	Oct. 9, 1996 .....	3172
104-259 .... To extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, and for other purposes.	Oct. 9, 1996 .....	3173
104-260 .... To amend the Clean Air Act to provide that traffic signal synchronization projects are exempt from certain requirements of Environmental Protection Agency Rules.	Oct. 9, 1996 .....	3175
104-261 .... To accept the request of the Prairie Island Indian Community to revoke their charter of incorporation issued under the Indian Reorganization Act.	Oct. 9, 1996 .....	3176
104-262 .... Veterans' Health Care Eligibility Reform Act of 1996 .....	Oct. 9, 1996 .....	3177
104-263 .... Veterans' Compensation Cost-of-Living Adjustment Act of 1996.	Oct. 9, 1996 .....	3212
104-264 .... Federal Aviation Reauthorization Act of 1996 .....	Oct. 9, 1996 .....	3213
104-265 .... Walhalla National Fish Hatchery Conveyance Act .....	Oct. 9, 1996 .....	3288
104-266 .... Reclamation Recycling and Water Conservation Act of 1996.	Oct. 9, 1996 .....	3290
104-267 .... To waive temporarily the Medicaid enrollment composition rule for certain health maintenance organizations.	Oct. 9, 1996 .....	3298
104-268 .... To designate the United States Post Office building located at 351 West Washington Street in Camden, Arkansas, as the "David H. Pryor Post Office Building".	Oct. 9, 1996 .....	3299

PUBLIC LAW	DATE	PAGE
104-269 .... To make available certain Voice of America and Radio Marti multilingual computer readable text and voice recordings.	Oct. 9, 1996 .....	3300
104-270 .... To provide for a study of the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives.	Oct. 9, 1996 .....	3301
104-271 .... Hydrogen Future Act of 1996 .....	Oct. 9, 1996 .....	3304
104-272 .... Professional Boxing Safety Act of 1996 .....	Oct. 9, 1996 .....	3309
104-273 .... Helium Privatization Act of 1996 .....	Oct. 9, 1996 .....	3315
104-274 .... To authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1998, 1999, 2000, and 2001.	Oct. 9, 1996 .....	3321
104-275 .... Veterans' Benefits Improvements Act of 1996 .....	Oct. 9, 1996 .....	3322
104-276 .... To direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes.	Oct. 9, 1996 .....	3352
104-277 .... To provide that the United States Post Office and Courthouse building located at 9 East Broad Street, Cookeville, Tennessee, shall be known and designated as the "L. Clure Morton United States Post Office and Courthouse".	Oct. 9, 1996 .....	3354
104-278 .... National Museum of the American Indian Act Amendments of 1996.	Oct. 9, 1996 .....	3355
104-279 .... To authorize the Capitol Guide Service to accept voluntary services.	Oct. 9, 1996 .....	3358
104-280 .... To provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police.	Oct. 9, 1996 .....	3359
104-281 .... To designate the United States Post Office building located in Brewer, Maine, as the "Joshua Lawrence Chamberlain Post Office Building", and for other purposes.	Oct. 9, 1996 .....	3360
104-282 .... To commend Operation Sail for its advancement of brotherhood among nations, its continuing commemoration of the history of the United States, and its nurturing of young cadets through training in seamanship.	Oct. 9, 1996 .....	3361
104-283 .... National Marine Sanctuaries Preservation Act .....	Oct. 11, 1996 .....	3363
104-284 .... Propane Education and Research Act of 1996 .....	Oct. 11, 1996 .....	3370
104-285 .... To reauthorize the National Film Preservation Board, and for other purposes.	Oct. 11, 1996 .....	3377
104-286 .... To amend the Central Utah Project Completion Act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Central Utah Water Conservancy District dated December 28, 1965, and November 26, 1985, and for other purposes.	Oct. 11, 1996 .....	3387
104-287 .... To codify without substantive change laws related to transportation and to improve the United States Code.	Oct. 11, 1996 .....	3388
104-288 .... United States National Tourism Organization Act of 1996 .....	Oct. 11, 1996 .....	3402
104-289 .... Savings in Construction Act of 1996 .....	Oct. 11, 1996 .....	3411
104-290 .... National Securities Markets Improvement Act of 1996 .....	Oct. 11, 1996 .....	3416
104-291 .... To amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes.	Oct. 11, 1996 .....	3452
104-292 .... False Statements Accountability Act of 1996 .....	Oct. 11, 1996 .....	3459
104-293 .... Intelligence Authorization Act for Fiscal Year 1997 .....	Oct. 11, 1996 .....	3461
104-294 .... Economic Espionage Act of 1996 .....	Oct. 11, 1996 .....	3488
104-295 .... Miscellaneous Trade and Technical Corrections Act of 1996.	Oct. 11, 1996 .....	3514

# LIST OF PUBLIC LAWS

XV

PUBLIC LAW	DATE	PAGE
104-296 .... Appointing the day for the convening of the first session of the One Hundred Fifth Congress and the day for the counting in Congress of the electoral votes for President and Vice President cast in December 1996.	Oct. 11, 1996 .....	3558
104-297 .... Sustainable Fisheries Act .....	Oct. 11, 1996 .....	3559
104-298 .... Water Desalination Act of 1996 .....	Oct. 11, 1996 .....	3622
104-299 .... Health Centers Consolidation Act of 1996 .....	Oct. 11, 1996 .....	3626
104-300 .... Fort Peck Rural County Water Supply System Act of 1996 .....	Oct. 11, 1996 .....	3646
104-301 .... Navajo-Hopi Land Dispute Settlement Act of 1996 .....	Oct. 11, 1996 .....	3649
104-302 .... To extend the authorized period of stay within the United States for certain nurses.	Oct. 11, 1996 .....	3656
104-303 .... Water Resources Development Act of 1996 .....	Oct. 12, 1996 .....	3658
104-304 .... Accountable Pipeline Safety and Partnership Act of 1996 .....	Oct. 12, 1996 .....	3793
104-305 .... Drug-Induced Rape Prevention and Punishment Act of 1996.	Oct. 13, 1996 .....	3807
104-306 .... To extend certain programs under the Energy Policy and Conservation Act through September 30, 1997.	Oct. 14, 1996 .....	3810
104-307 .... Wildfire Suppression Aircraft Transfer Act of 1996 .....	Oct. 14, 1996 .....	3811
104-308 .... To enhance fairness in compensating owners of patents used by the United States.	Oct. 19, 1996 .....	3814
104-309 .... To express the sense of the Congress that United States Government agencies in possession of records about individuals who are alleged to have committed Nazi war crimes should make these records public.	Oct. 19, 1996 .....	3815
104-310 .... To modify the boundaries of the Talladega National Forest, Alabama.	Oct. 19, 1996 .....	3817
104-311 .... To amend the Wild and Scenic Rivers Act by designating the Wekiva River, Seminole Creek, and Rock Springs Run in the State of Florida for study and potential addition to the National Wild and Scenic Rivers System.	Oct. 19, 1996 .....	3818
104-312 .... To authorize appropriations for a mining institute or institutes to develop domestic technological capabilities for the recovery of minerals from the Nation's seabed, and for other purposes.	Oct. 19, 1996 .....	3819
104-313 .... Indian Health Care Improvement Technical Corrections Act of 1996.	Oct. 19, 1996 .....	3820
104-314 .... To designate 51.7 miles of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System.	Oct. 19, 1996 .....	3823
104-315 .... To amend title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition.	Oct. 19, 1996 .....	3824
104-316 .... General Accounting Office Act of 1996 .....	Oct. 19, 1996 .....	3826
104-317 .... Federal Courts Improvement Act of 1996 .....	Oct. 19, 1996 .....	3847
104-318 .... Emergency Drought Relief Act of 1996 .....	Oct. 19, 1996 .....	3862
104-319 .... Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996.	Oct. 19, 1996 .....	3864
104-320 .... Administrative Dispute Resolution Act of 1996 .....	Oct. 19, 1996 .....	3309
104-321 .... Granting the consent of Congress to the Emergency Management Assistance Compact.	Oct. 19, 1996 .....	3877
104-322 .... Granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.	Oct. 19, 1996 .....	3884
104-323 .... Cache La Poudre River Corridor Act .....	Oct. 19, 1996 .....	3889
104-324 .... Coast Guard Authorization Act of 1996 .....	Oct. 19, 1996 .....	3901
104-325 .... Marine Mineral Resources Research Act of 1996 .....	Oct. 19, 1996 .....	3994

## LIST OF PUBLIC LAWS

<i>PUBLIC LAW</i>		<i>DATE</i>	<i>PAGE</i>
104-326 ....	Irrigation Project Contract Extension Act of 1996 .....	Oct. 19, 1996 .....	4000
104-327 ....	To make technical corrections to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	Oct. 19, 1996 .....	4002
104-328 ....	To provide for the Advisory Commission on Intergovernmental Relations to continue in existence, and for other purposes.	Oct. 19, 1996 .....	4004
104-329 ....	United States Commemorative Coin Act of 1996 .....	Oct. 20, 1996 .....	4005
104-330 ....	Native American Housing Assistance and Self-Determination Act of 1996.	Oct. 26, 1996 .....	4016
104-331 ....	Presidential and Executive Office Accountability Act .....	Oct. 26, 1996 .....	4053
104-332 ....	National Invasive Species Act of 1996 .....	Oct. 26, 1996 .....	4073
104-333 ....	Omnibus Parks and Public Lands Management Act of 1996.	Nov. 12, 1996 .....	4093

# LIST OF BILLS ENACTED INTO PRIVATE LAW

THE ONE HUNDRED FOURTH CONGRESS OF THE UNITED STATES  
SECOND SESSION, 1996

---

<i>BILL</i>	<i>PRIVATE LAW</i>
H.R. 419 .....	104-1
H.R. 1031 .....	104-3
H.R. 1087 .....	104-4
S. 966 .....	104-2

# LIST OF PRIVATE LAWS

CONTAINED IN THIS VOLUME

---

<i>PRIVATE LAW</i>	<i>DATE</i>	<i>PAGE</i>
104-1 ..... For the relief of Benchmark Rail Group, Inc .....	July 24, 1996 .....	4285
104-2 ..... For the relief of Nathan C. Vance, and for other purposes	July 29, 1996 .....	4286
104-3 ..... For the relief of Oscar Salas-Velazquez .....	Oct. 9, 1996 .....	4287
104-4 ..... For the relief of Nguyen Quy An .....	Oct. 19, 1996 .....	4288

# LIST OF CONCURRENT RESOLUTIONS

CONTAINED IN THIS VOLUME

CONCURRENT RESOLUTION		DATE	PAGE
H. Con. Res. 131 ...	Continuing resolution transmittal procedures—H.J. Res. 134.	Jan. 5, 1996 .....	4291
H. Con. Res. 133 ...	Adjournment—House of Representatives and Senate.	Jan. 10, 1996 ....	4292
H. Con. Res. 123 ...	Office of Compliance provisional regulations—Approval.	Jan. 22, 1996 .....	4292
S. Con. Res. 39 .....	Joint session .....	Jan. 22, 1996 ....	4292
S. Con. Res. 45 .....	Congressional Gold Medal Presentation Ceremony for Reverend and Mrs. Billy Graham—Capitol rotunda authorization.	Mar. 13, 1996 ....	4293
H. Con. Res. 146 ...	Special Olympics Torch Relay—Capitol grounds authorization.	Mar. 27, 1996 ....	4293
H. Con. Res. 147 ...	National Peace Officers' Memorial Service—Capitol grounds authorization.	Mar. 27, 1996 ....	4293
S. Con. Res. 49 .....	Enrollment corrections—H.R. 2854 .....	Mar. 28, 1996 ....	4294
H. Con. Res. 157 ...	Adjournment—House of Representatives and Senate.	Mar. 29, 1996 ....	4295
S. Con. Res. 51 .....	Office of Compliance final regulations—Approval	Apr. 16, 1996 ....	4295
S. Con. Res. 55 .....	Enrollment corrections—S. 735 .....	Apr. 24, 1996 ....	4430
H. Con. Res. 166 ...	Washington for Jesus 1996 Prayer Rally—Capitol grounds authorization.	Apr. 25, 1996 ....	4432
S. Con. Res. 60 .....	Adjournment—Senate and House of Representatives.	May 23, 1996 ....	4433
H. Con. Res. 172 ...	1996 Summer Olympic Torch Relay—Capitol grounds authorization.	June 12, 1996 ....	4433
S. Con. Res. 63 .....	Livestock producers—Disaster assistance .....	June 12, 1996 ....	4434
H. Con. Res. 178 ...	Federal Budget—Fiscal year 1997 .....	June 13, 1996 ....	4435
H. Con. Res. 153 ...	Soap Box Derby Races—Capitol grounds authorization.	June 21, 1996 ....	4482
H. Con. Res. 102 ...	Iranian Baha'i community—Emancipation .....	June 26, 1996 ....	4483
H. Con. Res. 192 ...	Adjournment—House of Representatives and Senate.	June 27, 1996 ...	4484
H. Con. Res. 160 ...	Republic of Sierra Leone—Democratic multiparty elections.	June 28, 1996 ....	4485
H. Con. Res. 203 ...	Adjournment—House of Representatives and Senate.	July 31, 1996 ....	4486
H. Con. Res. 208 ...	Enrollment correction—H.R. 3103 .....	Aug. 2, 1996 .....	4486
S. Con. Res. 47 .....	Joint Congressional Committee on Inaugural Ceremonies—Arrangements.	Aug. 2, 1996 .....	4487
S. Con. Res. 48 .....	Presidential inaugural ceremonies—Capitol rotunda authorization.	Aug. 2, 1996 .....	4487
H. Con. Res. 211 ...	Enrollment correction—H.R. 3060 .....	Sept. 17, 1996 ...	4487
H. Con. Res. 120 ...	Ukraine—Independence and sovereignty .....	Sept. 18, 1996 ...	4488
H. Con. Res. 132 ...	Martin Pang—Extradition from Brazil .....	Sept. 25, 1996 ...	4491
S. Con. Res. 34 .....	"Vice Presidents of the United States, 1789–1993"—Senate print.	Sept. 26, 1996 ...	4491

## LIST OF CONCURRENT RESOLUTIONS

<i>CONCURRENT RESOLUTION</i>	<i>DATE</i>	<i>PAGE</i>
S. Con. Res. 67 ..... Commission on Protecting and Reducing Govern- ment Secrecy report—Senate print.	Sept. 26, 1996 ...	4492
H. Con. Res. 216 ... "Portrait Monument"—Relocation .....	Sept. 27, 1996 ...	4492
H. Con. Res. 207 ... Federal service labor-management relations regu- lations—Approval.	Sept. 28, 1996 ...	4493
H. Con. Res. 221 ... Enrollment corrections—H.R. 3159 .....	Sept. 28, 1996 ...	4494
H. Con. Res. 229 ... Enrollment corrections—S. 1004 .....	Sept. 28, 1996 ...	4494
H. Con. Res. 230 ... Adjournment—House of Representatives and Sen- ate.	Oct. 4, 1996 .....	4495

# LIST OF PROCLAMATIONS

CONTAINED IN THIS VOLUME

<i>PROCLAMATION</i>	<i>DATE</i>	<i>PAGE</i>
6861 ..... Martin Luther King, Jr., Federal Holiday, 1996 .....	Jan. 12, 1996 .....	4499
6862 ..... Religious Freedom Day, 1996 .....	Jan. 12, 1996 .....	4500
6863 ..... National African American History Month, 1996 .....	Jan. 30, 1996 .....	4501
6864 ..... American Heart Month, 1996 .....	Feb. 1, 1996 .....	4502
6865 ..... 150th Anniversary of the Smithsonian Institution .....	Feb. 7, 1996 .....	4503
6866 ..... American Red Cross Month, 1996 .....	Feb. 26, 1996 .....	4504
6867 ..... Declaration of a National Emergency and Invocation of Emergency Authority Relating to the Regulation of the Anchorage and Movement of Vessels.	Mar. 1, 1996 .....	4505
6868 ..... Irish-American Heritage Month, 1996 .....	Mar. 1, 1996 .....	4506
6869 ..... Save Your Vision Week, 1996 .....	Mar. 1, 1996 .....	4507
6870 ..... National Park Week, 1996 .....	Mar. 8, 1996 .....	4508
6871 ..... National Poison Prevention Week, 1996 .....	Mar. 11, 1996 .....	4509
6872 ..... Women's History Month, 1996 .....	Mar. 19, 1996 .....	4510
6873 ..... Greek Independence Day: A National Day of Celebra- tion of Greek and American Democracy, 1996.	Mar. 22, 1996 .....	4511
6874 ..... Death of Edmund Sixtus Muskie .....	Mar. 27, 1996 .....	4512
6875 ..... Cancer Control Month, 1996 .....	Mar. 29, 1996 .....	4513
6876 ..... Education and Sharing Day, U.S.A., 1996 .....	Mar. 29, 1996 .....	4515
6877 ..... National Day of Prayer, 1996 .....	Apr. 2, 1996 .....	4515
6878 ..... Death of Those Aboard U.S. Air Force Aircraft in Cro- atia.	Apr. 4, 1996 .....	4517
6879 ..... National Former Prisoner of War Recognition Day, 1996.	Apr. 5, 1996 .....	4517
6880 ..... National Day of Remembrance of the Oklahoma City Bombing.	Apr. 5, 1996 .....	4518
6881 ..... National Child Abuse Prevention Month, 1996 .....	Apr. 8, 1996 .....	4519
6882 ..... National D.A.R.E. Day, 1996 .....	Apr. 10, 1996 .....	4520
6883 ..... National Pay Inequity Awareness Day, 1996 .....	Apr. 11, 1996 .....	4521
6884 ..... Pan American Day and Pan American Week, 1996 .....	Apr. 11, 1996 .....	4522
6885 ..... National Volunteer Week, 1996 .....	Apr. 17, 1996 .....	4523
6886 ..... National Organ and Tissue Donor Awareness Week, 1996.	Apr. 19, 1996 .....	4524
6887 ..... Jewish Heritage Week, 1996 .....	Apr. 19, 1996 .....	4525
6888 ..... National Crime Victims' Rights Week, 1996 .....	Apr. 19, 1996 .....	4525
6889 ..... Loyalty Day, 1996 .....	Apr. 30, 1996 .....	4527
6890 ..... Law Day, U.S.A., 1996 .....	Apr. 30, 1996 .....	4528
6891 ..... Labor History Month, 1996 .....	May 3, 1996 .....	4529
6892 ..... Asian/Pacific American Heritage Month, 1996 .....	May 6, 1996 .....	4530
6893 ..... Mother's Day, 1996 .....	May 7, 1996 .....	4531
6894 ..... Older Americans Month, 1996 .....	May 13, 1996 .....	4532
6895 ..... Peace Officers Memorial Day and Police Week, 1996 .....	May 13, 1996 .....	4533
6896 ..... National Defense Transportation Day and National Transportation Week, 1996.	May 15, 1996 .....	4534
6897 ..... National Safe Boating Week, 1996 .....	May 17, 1996 .....	4535

## LIST OF PROCLAMATIONS

PROCLAMATION	DATE	PAGE
6898 ..... Death of Admiral Jeremy M. Boorda .....	May 17, 1996 .....	4536
6899 ..... World Trade Week, 1996 .....	May 20, 1996 .....	4536
6900 ..... National Maritime Day, 1996 .....	May 21, 1996 .....	4537
6901 ..... Prayer for Peace, Memorial Day, 1996 .....	May 24, 1996 .....	4538
6902 ..... Small Business Week, 1996 .....	May 31, 1996 .....	4539
6903 ..... Flag Day and National Flag Week, 1996 .....	June 7, 1996 .....	4540
6904 ..... Father's Day, 1996 .....	June 13, 1996 ....	4541
6905 ..... Centers for Disease Control and Prevention Day, 1996 .....	June 24, 1996 ....	4542
6906 ..... Victims of the Bombing in Saudi Arabia .....	June 26, 1996 ....	4543
6907 ..... Declaration of a State of Emergency and Release of Feed Grain From the Disaster Reserve.	July 1, 1996 .....	4543
6908 ..... A National Month of Unity, 1996 .....	July 1, 1996 .....	4544
6909 ..... Captive Nations Week, 1996 .....	July 18, 1996 ....	4545
6910 ..... National Korean War Veterans Armistice Day, 1996 ....	July 25, 1996 ....	4546
6911 ..... Parents' Day, 1996 .....	July 25, 1996 ....	4547
6912 ..... Women's Equality Day, 1996 .....	Aug. 21, 1996 ....	4548
6913 ..... Minority Enterprise Development Week, 1996 .....	Aug. 23, 1996 ....	4549
6914 ..... To Modify the Allocation of Tariff-Rate Quotas for Cer- tain Cheeses.	Aug. 26, 1996 ....	4550
6915 ..... America Goes Back to School, 1996 .....	Sept. 9, 1996 .....	4555
6916 ..... National Farm Safety and Health Week, 1996 .....	Sept. 13, 1996 ....	4557
6917 ..... Citizenship Day and Constitution Week, 1996 .....	Sept. 17, 1996 ....	4558
6918 ..... National POW/MIA Recognition Day, 1996 .....	Sept. 18, 1996 ....	4559
6919 ..... National Hispanic Heritage Month, 1996 .....	Sept. 18, 1996 ....	4560
6920 ..... Establishment of the Grand Staircase-Escalante Na- tional Monument.	Sept. 18, 1996 ....	4561
6921 ..... National Historically Black Colleges and Universities Week, 1996.	Sept. 20, 1996 ....	4565
6922 ..... To Extend Nondiscriminatory Treatment (Most-Fa- vored-Nation Treatment) to the Products of Bulgaria.	Sept. 27, 1996 ....	4567
6923 ..... Gold Star Mother's Day, 1996 .....	Sept. 27, 1996 ....	4567
6924 ..... National Student Voter Education Day, 1996 .....	Oct. 2, 1996 .....	4569
6925 ..... Suspension of Entry as Immigrants and Non- immigrants of Persons Who Formulate or Implement Policies That Are Impeding the Transition to Democ- racy in Burma or Who Benefit From Such Policies.	Oct. 3, 1996 .....	4570
6926 ..... National Breast Cancer Awareness Month, 1996 .....	Oct. 3, 1996 .....	4571
6927 ..... National Domestic Violence Awareness Month, 1996 ....	Oct. 3, 1996 .....	4572
6928 ..... Roosevelt History Month, 1996 .....	Oct. 4, 1996 .....	4574
6929 ..... National Disability Employment Awareness Month, 1996.	Oct. 4, 1996 .....	4575

Public Law 104-129  
104th Congress

Joint Resolution

Waiving certain enrollment requirements with respect to two bills of the One  
Hundred Fourth Congress.

Apr. 9, 1996  
[H.J. Res. 168]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of sections 106 and 107 of title 1, United States Code, are waived with respect to the printing (on parchment or otherwise) of the enrollment of H.R. 3019 and the enrollment of H.R. 3136, each of the One Hundred Fourth Congress. The enrollment of either such bill shall be in such form as the Committee on House Oversight of the House of Representatives certifies to be a true enrollment.

1 USC 106 note.

Approved April 9, 1996.

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LEGISLATIVE HISTORY—H.J. Res. 168:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Mar. 26, considered and passed House.

Mar. 28, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Apr. 9, Presidential statement.

Public Law 104-130  
104th Congress

An Act

Apr. 9, 1996  
[S. 4]

To give the President line item veto authority with respect to appropriations,  
new direct spending, and limited tax benefits.

Line Item Veto  
Act.  
2 USC 681 note.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Line Item Veto Act”.

**SEC. 2. LINE ITEM VETO AUTHORITY.**

(a) IN GENERAL.—Title X of the Congressional Budget and  
Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) is amended  
by adding at the end the following new part:

“PART C—LINE ITEM VETO

“LINE ITEM VETO AUTHORITY

2 USC 691.

“SEC. 1021. (a) IN GENERAL.—Notwithstanding the provisions  
of parts A and B, and subject to the provisions of this part, the  
President may, with respect to any bill or joint resolution that  
has been signed into law pursuant to Article I, section 7, of the  
Constitution of the United States, cancel in whole—

“(1) any dollar amount of discretionary budget authority;

“(2) any item of new direct spending; or

“(3) any limited tax benefit;

if the President—

“(A) determines that such cancellation will—

“(i) reduce the Federal budget deficit;

“(ii) not impair any essential Government functions;

and

“(iii) not harm the national interest; and

“(B) notifies the Congress of such cancellation by transmit-  
ting a special message, in accordance with section 1022, within  
five calendar days (excluding Sundays) after the enactment  
of the law providing the dollar amount of discretionary budget  
authority, item of new direct spending, or limited tax benefit  
that was canceled.

“(b) IDENTIFICATION OF CANCELLATIONS.—In identifying dollar  
amounts of discretionary budget authority, items of new direct  
spending, and limited tax benefits for cancellation, the President  
shall—

“(1) consider the legislative history, construction, and pur-  
poses of the law which contains such dollar amounts, items,  
or benefits;

“(2) consider any specific sources of information referenced in such law or, in the absence of specific sources of information, the best available information; and

“(3) use the definitions contained in section 1026 in applying this part to the specific provisions of such law.

“(c) EXCEPTION FOR DISAPPROVAL BILLS.—The authority granted by subsection (a) shall not apply to any dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit contained in any law that is a disapproval bill as defined in section 1026.

#### “SPECIAL MESSAGES

“SEC. 1022. (a) IN GENERAL.—For each law from which a cancellation has been made under this part, the President shall transmit a single special message to the Congress.

Congress.  
2 USC 691a.

“(b) CONTENTS.—

“(1) The special message shall specify—

“(A) the dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit which has been canceled, and provide a corresponding reference number for each cancellation;

“(B) the determinations required under section 1021(a), together with any supporting material;

“(C) the reasons for the cancellation;

“(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the cancellation;

“(E) all facts, circumstances and considerations relating to or bearing upon the cancellation, and to the maximum extent practicable, the estimated effect of the cancellation upon the objects, purposes and programs for which the canceled authority was provided; and

“(F) include the adjustments that will be made pursuant to section 1024 to the discretionary spending limits under section 601 and an evaluation of the effects of those adjustments upon the sequestration procedures of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(2) In the case of a cancellation of any dollar amount of discretionary budget authority or item of new direct spending, the special message shall also include, if applicable—

“(A) any account, department, or establishment of the Government for which such budget authority was to have been available for obligation and the specific project or governmental functions involved;

“(B) the specific States and congressional districts, if any, affected by the cancellation; and

“(C) the total number of cancellations imposed during the current session of Congress on States and congressional districts identified in subparagraph (B).

“(c) TRANSMISSION OF SPECIAL MESSAGES TO HOUSE AND SENATE.—

“(1) The President shall transmit to the Congress each special message under this part within five calendar days (excluding Sundays) after enactment of the law to which the cancellation applies. Each special message shall be transmitted to the House of Representatives and the Senate on the same calendar day. Such special message shall be delivered to the

Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session.

Federal Register,  
publication.

“(2) Any special message transmitted under this part shall be printed in the first issue of the Federal Register published after such transmittal.

“CANCELLATION EFFECTIVE UNLESS DISAPPROVED

2 USC 691b.

“SEC. 1023. (a) IN GENERAL.—The cancellation of any dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit shall take effect upon receipt in the House of Representatives and the Senate of the special message notifying the Congress of the cancellation. If a disapproval bill for such special message is enacted into law, then all cancellations disapproved in that law shall be null and void and any such dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit shall be effective as of the original date provided in the law to which the cancellation applied.

“(b) COMMENSURATE REDUCTIONS IN DISCRETIONARY BUDGET AUTHORITY.—Upon the cancellation of a dollar amount of discretionary budget authority under subsection (a), the total appropriation for each relevant account of which that dollar amount is a part shall be simultaneously reduced by the dollar amount of that cancellation.

“DEFICIT REDUCTION

2 USC 691c.

“SEC. 1024. (a) IN GENERAL.—

“(1) DISCRETIONARY BUDGET AUTHORITY.—OMB shall, for each dollar amount of discretionary budget authority and for each item of new direct spending canceled from an appropriation law under section 1021(a)—

“(A) reflect the reduction that results from such cancellation in the estimates required by section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 in accordance with that Act, including an estimate of the reduction of the budget authority and the reduction in outlays flowing from such reduction of budget authority for each outyear; and

“(B) include a reduction to the discretionary spending limits for budget authority and outlays in accordance with the Balanced Budget and Emergency Deficit Control Act of 1985 for each applicable fiscal year set forth in section 601(a)(2) by amounts equal to the amounts for each fiscal year estimated pursuant to subparagraph (A).

“(2) DIRECT SPENDING AND LIMITED TAX BENEFITS.—(A) OMB shall, for each item of new direct spending or limited tax benefit canceled from a law under section 1021(a), estimate the deficit decrease caused by the cancellation of such item or benefit in that law and include such estimate as a separate entry in the report prepared pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(B) OMB shall not include any change in the deficit resulting from a cancellation of any item of new direct spending or limited tax benefit, or the enactment of a disapproval bill for any such cancellation, under this part in the estimates

and reports required by sections 252(b) and 254 of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(b) ADJUSTMENTS TO SPENDING LIMITS.—After ten calendar days (excluding Sundays) after the expiration of the time period in section 1025(b)(1) for expedited congressional consideration of a disapproval bill for a special message containing a cancellation of discretionary budget authority, OMB shall make the reduction included in subsection (a)(1)(B) as part of the next sequester report required by section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(c) EXCEPTION.—Subsection (b) shall not apply to a cancellation if a disapproval bill or other law that disapproves that cancellation is enacted into law prior to 10 calendar days (excluding Sundays) after the expiration of the time period set forth in section 1025(b)(1).

“(d) CONGRESSIONAL BUDGET OFFICE ESTIMATES.—As soon as practicable after the President makes a cancellation from a law under section 1021(a), the Director of the Congressional Budget Office shall provide the Committees on the Budget of the House of Representatives and the Senate with an estimate of the reduction of the budget authority and the reduction in outlays flowing from such reduction of budget authority for each outyear.

#### “EXPEDITED CONGRESSIONAL CONSIDERATION OF DISAPPROVAL BILLS

“SEC. 1025. (a) RECEIPT AND REFERRAL OF SPECIAL MESSAGE.—2 USC 691d.  
Each special message transmitted under this part shall be referred to the Committee on the Budget and the appropriate committee or committees of the Senate and the Committee on the Budget and the appropriate committee or committees of the House of Representatives. Each such message shall be printed as a document of the House of Representatives.

“(b) TIME PERIOD FOR EXPEDITED PROCEDURES.—

“(1) There shall be a congressional review period of 30 calendar days of session, beginning on the first calendar day of session after the date on which the special message is received in the House of Representatives and the Senate, during which the procedures contained in this section shall apply to both Houses of Congress.

“(2) In the House of Representatives the procedures set forth in this section shall not apply after the end of the period described in paragraph (1).

“(3) If Congress adjourns at the end of a Congress prior to the expiration of the period described in paragraph (1) and a disapproval bill was then pending in either House of Congress or a committee thereof (including a conference committee of the two Houses of Congress), or was pending before the President, a disapproval bill for the same special message may be introduced within the first five calendar days of session of the next Congress and shall be treated as a disapproval bill under this part, and the time period described in paragraph (1) shall commence on the day of introduction of that disapproval bill.

“(c) INTRODUCTION OF DISAPPROVAL BILLS.—(1) In order for a disapproval bill to be considered under the procedures set forth in this section, the bill must meet the definition of a disapproval bill and must be introduced no later than the fifth calendar day of session following the beginning of the period described in subsection (b)(1).

"(2) In the case of a disapproval bill introduced in the House of Representatives, such bill shall include in the first blank space referred to in section 1026(6)(C) a list of the reference numbers for all cancellations made by the President in the special message to which such disapproval bill relates.

Reports.

"(d) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—(1) Any committee of the House of Representatives to which a disapproval bill is referred shall report it without amendment, and with or without recommendation, not later than the seventh calendar day of session after the date of its introduction. If any committee fails to report the bill within that period, it is in order to move that the House discharge the committee from further consideration of the bill, except that such a motion may not be made after the committee has reported a disapproval bill with respect to the same special message. A motion to discharge may be made only by a Member favoring the bill (but only at a time or place designated by the Speaker in the legislative schedule of the day after the calendar day on which the Member offering the motion announces to the House his intention to do so and the form of the motion). The motion is highly privileged. Debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between a proponent and an opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

"(2) After a disapproval bill is reported or a committee has been discharged from further consideration, it is in order to move that the House resolve into the Committee of the Whole House on the State of the Union for consideration of the bill. If reported and the report has been available for at least one calendar day, all points of order against the bill and against consideration of the bill are waived. If discharged, all points of order against the bill and against consideration of the bill are waived. The motion is highly privileged. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed with. General debate shall proceed, shall be confined to the bill, and shall not exceed one hour equally divided and controlled by a proponent and an opponent of the bill. The bill shall be considered as read for amendment under the five-minute rule. Only one motion to rise shall be in order, except if offered by the manager. No amendment to the bill is in order, except any Member if supported by 49 other Members (a quorum being present) may offer an amendment striking the reference number or numbers of a cancellation or cancellations from the bill. Consideration of the bill for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except pro forma amendments for the purposes of debate only. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

“(3) Appeals from decisions of the Chair regarding application of the rules of the House of Representatives to the procedure relating to a disapproval bill shall be decided without debate.

“(4) It shall not be in order to consider under this subsection more than one disapproval bill for the same special message except for consideration of a similar Senate bill (unless the House has already rejected a disapproval bill for the same special message) or more than one motion to discharge described in paragraph (1) with respect to a disapproval bill for that special message.

“(e) CONSIDERATION IN THE SENATE.—

“(1) REFERRAL AND REPORTING.—Any disapproval bill introduced in the Senate shall be referred to the appropriate committee or committees. A committee to which a disapproval bill has been referred shall report the bill not later than the seventh day of session following the date of introduction of that bill. If any committee fails to report the bill within that period, that committee shall be automatically discharged from further consideration of the bill and the bill shall be placed on the Calendar.

“(2) DISAPPROVAL BILL FROM HOUSE.—When the Senate receives from the House of Representatives a disapproval bill, such bill shall not be referred to committee and shall be placed on the Calendar.

“(3) CONSIDERATION OF SINGLE DISAPPROVAL BILL.—After the Senate has proceeded to the consideration of a disapproval bill for a special message, then no other disapproval bill originating in that same House relating to that same message shall be subject to the procedures set forth in this subsection.

“(4) AMENDMENTS.—

“(A) AMENDMENTS IN ORDER.—The only amendments in order to a disapproval bill are—

“(i) an amendment that strikes the reference number of a cancellation from the disapproval bill; and

“(ii) an amendment that only inserts the reference number of a cancellation included in the special message to which the disapproval bill relates that is not already contained in such bill.

“(B) WAIVER OR APPEAL.—An affirmative vote of three-fifths of the Senators, duly chosen and sworn, shall be required in the Senate—

“(i) to waive or suspend this paragraph; or

“(ii) to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

“(5) MOTION NONDEBATABLE.—A motion to proceed to consideration of a disapproval bill under this subsection shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed was adopted or rejected, although subsequent motions to proceed may be made under this paragraph.

“(6) LIMIT ON CONSIDERATION.—(A) After no more than 10 hours of consideration of a disapproval bill, the Senate shall proceed, without intervening action or debate (except as permitted under paragraph (9)), to vote on the final disposition thereof to the exclusion of all amendments not then pending and to the exclusion of all motions, except a motion to reconsider or to table.

“(B) A single motion to extend the time for consideration under subparagraph (A) for no more than an additional five hours is in order prior to the expiration of such time and shall be decided without debate.

“(C) The time for debate on the disapproval bill shall be equally divided between the Majority Leader and the Minority Leader or their designees.

“(7) DEBATE ON AMENDMENTS.—Debate on any amendment to a disapproval bill shall be limited to one hour, equally divided and controlled by the Senator proposing the amendment and the majority manager, unless the majority manager is in favor of the amendment, in which case the minority manager shall be in control of the time in opposition.

“(8) NO MOTION TO RECOMMIT.—A motion to recommit a disapproval bill shall not be in order.

“(9) DISPOSITION OF SENATE DISAPPROVAL BILL.—If the Senate has read for the third time a disapproval bill that originated in the Senate, then it shall be in order at any time thereafter to move to proceed to the consideration of a disapproval bill for the same special message received from the House of Representatives and placed on the Calendar pursuant to paragraph (2), strike all after the enacting clause, substitute the text of the Senate disapproval bill, agree to the Senate amendment, and vote on final disposition of the House disapproval bill, all without any intervening action or debate.

“(10) CONSIDERATION OF HOUSE MESSAGE.—Consideration in the Senate of all motions, amendments, or appeals necessary to dispose of a message from the House of Representatives on a disapproval bill shall be limited to not more than four hours. Debate on each motion or amendment shall be limited to 30 minutes. Debate on any appeal or point of order that is submitted in connection with the disposition of the House message shall be limited to 20 minutes. Any time for debate shall be equally divided and controlled by the proponent and the majority manager, unless the majority manager is a proponent of the motion, amendment, appeal, or point of order, in which case the minority manager shall be in control of the time in opposition.

“(f) CONSIDERATION IN CONFERENCE.—

“(1) CONVENING OF CONFERENCE.—In the case of disagreement between the two Houses of Congress with respect to a disapproval bill passed by both Houses, conferees should be promptly appointed and a conference promptly convened, if necessary.

“(2) HOUSE CONSIDERATION.—(A) Notwithstanding any other rule of the House of Representatives, it shall be in order to consider the report of a committee of conference relating to a disapproval bill provided such report has been available for one calendar day (excluding Saturdays, Sundays, or legal holidays, unless the House is in session on such a day) and the accompanying statement shall have been filed in the House.

“(B) Debate in the House of Representatives on the conference report and any amendments in disagreement on any disapproval bill shall each be limited to not more than one hour equally divided and controlled by a proponent and an opponent. A motion to further limit debate is not debatable. A motion to recommit the conference report is not in order,

and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

“(3) SENATE CONSIDERATION.—Consideration in the Senate of the conference report and any amendments in disagreement on a disapproval bill shall be limited to not more than four hours equally divided and controlled by the Majority Leader and the Minority Leader or their designees. A motion to recommit the conference report is not in order.

“(4) LIMITS ON SCOPE.—(A) When a disagreement to an amendment in the nature of a substitute has been referred to a conference, the conferees shall report those cancellations that were included in both the bill and the amendment, and may report a cancellation included in either the bill or the amendment, but shall not include any other matter.

“(B) When a disagreement on an amendment or amendments of one House to the disapproval bill of the other House has been referred to a committee of conference, the conferees shall report those cancellations upon which both Houses agree and may report any or all of those cancellations upon which there is disagreement, but shall not include any other matter.

#### “DEFINITIONS

“SEC. 1026. As used in this part:

2 USC 691e.

“(1) APPROPRIATION LAW.—The term ‘appropriation law’ means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

“(2) CALENDAR DAY.—The term ‘calendar day’ means a standard 24-hour period beginning at midnight.

“(3) CALENDAR DAYS OF SESSION.—The term ‘calendar days of session’ shall mean only those days on which both Houses of Congress are in session.

“(4) CANCEL.—The term ‘cancel’ or ‘cancellation’ means—

“(A) with respect to any dollar amount of discretionary budget authority, to rescind;

“(B) with respect to any item of new direct spending—

“(i) that is budget authority provided by law (other than an appropriation law), to prevent such budget authority from having legal force or effect;

“(ii) that is entitlement authority, to prevent the specific legal obligation of the United States from having legal force or effect; or

“(iii) through the food stamp program, to prevent the specific provision of law that results in an increase in budget authority or outlays for that program from having legal force or effect; and

“(C) with respect to a limited tax benefit, to prevent the specific provision of law that provides such benefit from having legal force or effect.

“(5) DIRECT SPENDING.—The term ‘direct spending’ means—

“(A) budget authority provided by law (other than an appropriation law);

“(B) entitlement authority; and

“(C) the food stamp program.

“(6) DISAPPROVAL BILL.—The term ‘disapproval bill’ means a bill or joint resolution which only disapproves one or more cancellations of dollar amounts of discretionary budget authority, items of new direct spending, or limited tax benefits in a special message transmitted by the President under this part and—

“(A) the title of which is as follows: ‘A bill disapproving the cancellations transmitted by the President on \_\_\_\_\_’, the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

“(B) which does not have a preamble; and

“(C) which provides only the following after the enacting clause: ‘That Congress disapproves of cancellations \_\_\_\_\_’, the blank space being filled in with a list by reference number of one or more cancellations contained in the President’s special message, ‘as transmitted by the President in a special message on \_\_\_\_\_’, the blank space being filled in with the appropriate date, ‘regarding \_\_\_\_\_’, the blank space being filled in with the public law number to which the special message relates.

“(7) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—(A) Except as provided in subparagraph (B), the term ‘dollar amount of discretionary budget authority’ means the entire dollar amount of budget authority—

“(i) specified in an appropriation law, or the entire dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

“(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

“(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

“(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; and

“(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law.

“(B) The term ‘dollar amount of discretionary budget authority’ does not include—

“(i) direct spending;

“(ii) budget authority in an appropriation law which funds direct spending provided for in other law;

“(iii) any existing budget authority rescinded or canceled in an appropriation law; or

“(iv) any restriction, condition, or limitation in an appropriation law or the accompanying statement of man-

agers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

“(8) ITEM OF NEW DIRECT SPENDING.—The term ‘item of new direct spending’ means any specific provision of law that is estimated to result in an increase in budget authority or outlays for direct spending relative to the most recent levels calculated pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(9) LIMITED TAX BENEFIT.—(A) The term ‘limited tax benefit’ means—

“(i) any revenue-losing provision which provides a Federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries under the Internal Revenue Code of 1986 in any fiscal year for which the provision is in effect; and

“(ii) any Federal tax provision which provides temporary or permanent transitional relief for 10 or fewer beneficiaries in any fiscal year from a change to the Internal Revenue Code of 1986.

“(B) A provision shall not be treated as described in subparagraph (A)(i) if the effect of that provision is that—

“(i) all persons in the same industry or engaged in the same type of activity receive the same treatment;

“(ii) all persons owning the same type of property, or issuing the same type of investment, receive the same treatment; or

“(iii) any difference in the treatment of persons is based solely on—

“(I) in the case of businesses and associations, the size or form of the business or association involved;

“(II) in the case of individuals, general demographic conditions, such as income, marital status, number of dependents, or tax return filing status;

“(III) the amount involved; or

“(IV) a generally-available election under the Internal Revenue Code of 1986.

“(C) A provision shall not be treated as described in subparagraph (A)(ii) if—

“(i) it provides for the retention of prior law with respect to all binding contracts or other legally enforceable obligations in existence on a date contemporaneous with congressional action specifying such date; or

“(ii) it is a technical correction to previously enacted legislation that is estimated to have no revenue effect.

“(D) For purposes of subparagraph (A)—

“(i) all businesses and associations which are related within the meaning of sections 707(b) and 1563(a) of the Internal Revenue Code of 1986 shall be treated as a single beneficiary;

“(ii) all qualified plans of an employer shall be treated as a single beneficiary;

“(iii) all holders of the same bond issue shall be treated as a single beneficiary; and

“(iv) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the

members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision.

“(E) For purposes of this paragraph, the term ‘revenue-losing provision’ means any provision which results in a reduction in Federal tax revenues for any one of the two following periods—

“(i) the first fiscal year for which the provision is effective; or

“(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective.

“(F) The terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

“(10) OMB.—The term ‘OMB’ means the Director of the Office of Management and Budget.

#### “IDENTIFICATION OF LIMITED TAX BENEFITS

2 USC 691f.

“SEC. 1027. (a) STATEMENT BY JOINT TAX COMMITTEE.—The Joint Committee on Taxation shall review any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 that is being prepared for filing by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any limited tax benefits. The Joint Committee on Taxation shall provide to the committee of conference a statement identifying any such limited tax benefits or declaring that the bill or joint resolution does not contain any limited tax benefits. Any such statement shall be made available to any Member of Congress by the Joint Committee on Taxation immediately upon request.

“(b) STATEMENT INCLUDED IN LEGISLATION.—(1) Notwithstanding any other rule of the House of Representatives or any rule or precedent of the Senate, any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 reported by a committee of conference of the two Houses may include, as a separate section of such bill or joint resolution, the information contained in the statement of the Joint Committee on Taxation, but only in the manner set forth in paragraph (2).

Applicability.

“(2) The separate section permitted under paragraph (1) shall read as follows: ‘Section 1021(a)(3) of the Congressional Budget and Impoundment Control Act of 1974 shall \_\_\_\_\_ apply to \_\_\_\_\_’, with the blank spaces being filled in with—

“(A) in any case in which the Joint Committee on Taxation identifies limited tax benefits in the statement required under subsection (a), the word ‘only’ in the first blank space and a list of all of the specific provisions of the bill or joint resolution identified by the Joint Committee on Taxation in such statement in the second blank space; or

“(B) in any case in which the Joint Committee on Taxation declares that there are no limited tax benefits in the statement required under subsection (a), the word ‘not’ in the first blank space and the phrase ‘any provision of this Act’ in the second blank space.

“(c) PRESIDENT’S AUTHORITY.—If any revenue or reconciliation bill or joint resolution is signed into law pursuant to Article I, section 7, of the Constitution of the United States—

“(1) with a separate section described in subsection (b)(2), then the President may use the authority granted in section 1021(a)(3) only to cancel any limited tax benefit in that law, if any, identified in such separate section; or

“(2) without a separate section described in subsection (b)(2), then the President may use the authority granted in section 1021(a)(3) to cancel any limited tax benefit in that law that meets the definition in section 1026.

“(d) CONGRESSIONAL IDENTIFICATIONS OF LIMITED TAX BENEFITS.—There shall be no judicial review of the congressional identification under subsections (a) and (b) of a limited tax benefit in a conference report.”.

### SEC. 3. JUDICIAL REVIEW.

2 USC 692.

#### (a) EXPEDITED REVIEW.—

(1) Any Member of Congress or any individual adversely affected by part C of title X of the Congressional Budget and Impoundment Control Act of 1974 may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this part violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 calendar days after such order is entered; and the jurisdictional statement shall be filed within 30 calendar days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

### SEC. 4. CONFORMING AMENDMENTS.

(a) SHORT TITLES.—Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by—

2 USC 621 note.

(1) striking “and” before “title X” and inserting a period;

(2) inserting “Parts A and B of” before “title X”; and

(3) inserting at the end the following new sentence: “Part C of title X may be cited as the ‘Line Item Veto Act of 1996’.”.

(b) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end the following:

88 Stat. 297.

## "PART C—LINE ITEM VETO

- "Sec. 1021. Line item veto authority.
- "Sec. 1022. Special messages.
- "Sec. 1023. Cancellation effective unless disapproved.
- "Sec. 1024. Deficit reduction.
- "Sec. 1025. Expedited congressional consideration of disapproval bills.
- "Sec. 1026. Definitions.
- "Sec. 1027. Identification of limited tax benefits."

2 USC 621 note.

(c) EXERCISE OF RULEMAKING POWERS.—Section 904(a) of the Congressional Budget Act of 1974 is amended by striking "and 1017" and inserting ", 1017, 1025, and 1027".

2 USC 691 note.

**SEC. 5. EFFECTIVE DATES.**

This Act and the amendments made by it shall take effect and apply to measures enacted on the earlier of—

(1) the day after the enactment into law, pursuant to Article I, section 7, of the Constitution of the United States, of an Act entitled "An Act to provide for a seven-year plan for deficit reduction and achieve a balanced Federal budget."; or

(2) January 1, 1997;  
and shall have no force or effect on or after January 1, 2005.

Approved April 9, 1996.

**LEGISLATIVE HISTORY—S. 4 (H.R. 2):**

HOUSE REPORTS: Nos. 104-11, Pt. 1 (Comm. on Rules) and Pt. 2 (Comm. on Government Reform and Oversight) both accompanying H.R. 2, and 104-491 (Comm. of Conference).

SENATE REPORTS: Nos. 104-9 (Comm. on the Budget) and 104-13 (Comm. on Governmental Affairs).

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): Feb. 2, 3, 6, H.R. 2 considered and passed House.

Mar. 20-23, S. 4 considered and passed Senate.

May 17, considered and passed House, amended, in lieu of H.R. 2.

Vol. 142 (1996): Mar. 27, Senate agreed to conference report.

Mar. 28, House agreed to conference report pursuant to H. Res. 391.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):  
Apr. 9, Presidential remarks and statement.

Public Law 104-131  
104th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 1996, and for other purposes.

Apr. 24, 1996

[H.J. Res. 175]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Public Law 104-99 is further amended by striking out “April 24, 1996” in sections 106(c), 112, 126(c), 202(c), and 214 and inserting in lieu thereof “April 25, 1996”; and that Public Law 104-92 is further amended by striking out “April 24, 1996” in section 106(c) and inserting in lieu thereof “April 25, 1996”.

*Ante*, pp. 27, 28,  
33, 36, 38.

*Ante*, p. 18.

Approved April 24, 1996.

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LEGISLATIVE HISTORY—H.J. Res. 175:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Apr. 24, considered and passed House and Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Apr. 24, Presidential statement.

Public Law 104-132  
104th Congress

An Act

Apr. 24, 1996  
[S. 735]

To deter terrorism, provide justice for victims, provide for an effective death penalty, and for other purposes.

Antiterrorism  
and Effective  
Death Penalty  
Act of 1996.  
18 USC 1 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Antiterrorism and Effective Death Penalty Act of 1996”.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 101. Filing deadlines.
- Sec. 102. Appeal.
- Sec. 103. Amendment of Federal Rules of Appellate Procedure.
- Sec. 104. Section 2254 amendments.
- Sec. 105. Section 2255 amendments.
- Sec. 106. Limits on second or successive applications.
- Sec. 107. Death penalty litigation procedures.
- Sec. 108. Technical amendment.

**TITLE II—JUSTICE FOR VICTIMS**

**Subtitle A—Mandatory Victim Restitution**

- Sec. 201. Short title.
- Sec. 202. Order of restitution.
- Sec. 203. Conditions of probation.
- Sec. 204. Mandatory restitution.
- Sec. 205. Order of restitution to victims of other crimes.
- Sec. 206. Procedure for issuance of restitution order.
- Sec. 207. Procedure for enforcement of fine or restitution order.
- Sec. 208. Instruction to Sentencing Commission.
- Sec. 209. Justice Department regulations.
- Sec. 210. Special assessments on convicted persons.
- Sec. 211. Effective date.

**Subtitle B—Jurisdiction for Lawsuits Against Terrorist States**

- Sec. 221. Jurisdiction for lawsuits against terrorist states.

**Subtitle C—Assistance to Victims of Terrorism**

- Sec. 231. Short title.
- Sec. 232. Victims of Terrorism Act.
- Sec. 233. Compensation of victims of terrorism.
- Sec. 234. Crime victims fund.
- Sec. 235. Closed circuit televised court proceedings for victims of crime.
- Sec. 236. Technical correction.

**TITLE III—INTERNATIONAL TERRORISM PROHIBITIONS**

**Subtitle A—Prohibition on International Terrorist Fundraising**

- Sec. 301. Findings and purpose.

- Sec. 302. Designation of foreign terrorist organizations.
- Sec. 303. Prohibition on terrorist fundraising.

Subtitle B—Prohibition on Assistance to Terrorist States

- Sec. 321. Financial transactions with terrorists.
- Sec. 322. Foreign air travel safety.
- Sec. 323. Modification of material support provision.
- Sec. 324. Findings.
- Sec. 325. Prohibition on assistance to countries that aid terrorist states.
- Sec. 326. Prohibition on assistance to countries that provide military equipment to terrorist states.
- Sec. 327. Opposition to assistance by international financial institutions to terrorist states.
- Sec. 328. Antiterrorism assistance.
- Sec. 329. Definition of assistance.
- Sec. 330. Prohibition on assistance under Arms Export Control Act for countries not cooperating fully with United States antiterrorism efforts.

TITLE IV—TERRORIST AND CRIMINAL ALIEN REMOVAL AND EXCLUSION

Subtitle A—Removal of Alien Terrorists

- Sec. 401. Alien terrorist removal.

Subtitle B—Exclusion of Members and Representatives of Terrorist Organizations

- Sec. 411. Exclusion of alien terrorists.
- Sec. 412. Waiver authority concerning notice of denial of application for visas.
- Sec. 413. Denial of other relief for alien terrorists.
- Sec. 414. Exclusion of aliens who have not been inspected and admitted.

Subtitle C—Modification to Asylum Procedures

- Sec. 421. Denial of asylum to alien terrorists.
- Sec. 422. Inspection and exclusion by immigration officers.
- Sec. 423. Judicial review.

Subtitle D—Criminal Alien Procedural Improvements

- Sec. 431. Access to certain confidential immigration and naturalization files through court order.
- Sec. 432. Criminal alien identification system.
- Sec. 433. Establishing certain alien smuggling-related crimes as RICO-predicate offenses.
- Sec. 434. Authority for alien smuggling investigations.
- Sec. 435. Expansion of criteria for deportation for crimes of moral turpitude.
- Sec. 436. Miscellaneous provisions.
- Sec. 437. Interior repatriation program.
- Sec. 438. Deportation of nonviolent offenders prior to completion of sentence of imprisonment.
- Sec. 439. Authorizing State and local law enforcement officials to arrest and detain certain illegal aliens.
- Sec. 440. Criminal alien removal.
- Sec. 441. Limitation on collateral attacks on underlying deportation order.
- Sec. 442. Deportation procedures for certain criminal aliens who are not permanent residents.
- Sec. 443. Extradition of aliens.

TITLE V—NUCLEAR, BIOLOGICAL, AND CHEMICAL WEAPONS  
RESTRICTIONS

Subtitle A—Nuclear Materials

- Sec. 501. Findings and purpose.
- Sec. 502. Expansion of scope and jurisdictional bases of nuclear materials prohibitions.
- Sec. 503. Report to Congress on thefts of explosive materials from armories.

Subtitle B—Biological Weapons Restrictions

- Sec. 511. Enhanced penalties and control of biological agents.

Subtitle C—Chemical Weapons Restrictions

- Sec. 521. Chemical weapons of mass destruction; study of facility for training and evaluation of personnel who respond to use of chemical or biological weapons in urban and suburban areas.

## TITLE VI—IMPLEMENTATION OF PLASTIC EXPLOSIVES CONVENTION

- Sec. 601. Findings and purposes.
- Sec. 602. Definitions.
- Sec. 603. Requirement of detection agents for plastic explosives.
- Sec. 604. Criminal sanctions.
- Sec. 605. Exceptions.
- Sec. 606. Seizure and forfeiture of plastic explosives.
- Sec. 607. Effective date.

## TITLE VII—CRIMINAL LAW MODIFICATIONS TO COUNTER TERRORISM

## Subtitle A—Crimes and Penalties

- Sec. 701. Increased penalty for conspiracies involving explosives.
- Sec. 702. Acts of terrorism transcending national boundaries.
- Sec. 703. Expansion of provision relating to destruction or injury of property within special maritime and territorial jurisdiction.
- Sec. 704. Conspiracy to harm people and property overseas.
- Sec. 705. Increased penalties for certain terrorism crimes.
- Sec. 706. Mandatory penalty for transferring an explosive material knowing that it will be used to commit a crime of violence.
- Sec. 707. Possession of stolen explosives prohibited.
- Sec. 708. Enhanced penalties for use of explosives or arson crimes.
- Sec. 709. Determination of constitutionality of restricting the dissemination of bomb-making instructional materials.

## Subtitle B—Criminal Procedures

- Sec. 721. Clarification and extension of criminal jurisdiction over certain terrorism offenses overseas.
- Sec. 722. Clarification of maritime violence jurisdiction.
- Sec. 723. Increased and alternate conspiracy penalties for terrorism offenses.
- Sec. 724. Clarification of Federal jurisdiction over bomb threats.
- Sec. 725. Expansion and modification of weapons of mass destruction statute.
- Sec. 726. Addition of terrorism offenses to the money laundering statute.
- Sec. 727. Protection of Federal employees; protection of current or former officials, officers, or employees of the United States.
- Sec. 728. Death penalty aggravating factor.
- Sec. 729. Detention hearing.
- Sec. 730. Directions to Sentencing Commission.
- Sec. 731. Exclusion of certain types of information from definitions.
- Sec. 732. Marking, rendering inert, and licensing of explosive materials.

## TITLE VIII—ASSISTANCE TO LAW ENFORCEMENT

## Subtitle A—Resources and Security

- Sec. 801. Overseas law enforcement training activities.
- Sec. 802. Sense of Congress.
- Sec. 803. Protection of Federal Government buildings in the District of Columbia.
- Sec. 804. Requirement to preserve record evidence.
- Sec. 805. Deterrent against terrorist activity damaging a Federal interest computer.
- Sec. 806. Commission on the Advancement of Federal Law Enforcement.
- Sec. 807. Combatting international counterfeiting of United States currency.
- Sec. 808. Compilation of statistics relating to intimidation of Government employees.
- Sec. 809. Assessing and reducing the threat to law enforcement officers from the criminal use of firearms and ammunition.
- Sec. 810. Study and report on electronic surveillance.

## Subtitle B—Funding Authorizations for Law Enforcement

- Sec. 811. Federal Bureau of Investigation.
- Sec. 812. United States Customs Service.
- Sec. 813. Immigration and Naturalization Service.
- Sec. 814. Drug Enforcement Administration.
- Sec. 815. Department of Justice.
- Sec. 816. Department of the Treasury.
- Sec. 817. United States Park Police.
- Sec. 818. The Judiciary.
- Sec. 819. Local firefighter and emergency services training.
- Sec. 820. Assistance to foreign countries to procure explosive detection devices and other counterterrorism technology.
- Sec. 821. Research and development to support counterterrorism technologies.

Sec. 822. Grants to State and local law enforcement for training and equipment.  
Sec. 823. Funding source.

## TITLE IX—MISCELLANEOUS

Sec. 901. Expansion of territorial sea.  
Sec. 902. Proof of citizenship.  
Sec. 903. Representation fees in criminal cases.  
Sec. 904. Severability.

## TITLE I—HABEAS CORPUS REFORM

Courts.

## SEC. 101. FILING DEADLINES.

Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

“(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

“(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;

“(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

“(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

“(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.”.

## SEC. 102. APPEAL.

Section 2253 of title 28, United States Code, is amended to read as follows:

## “§ 2253. Appeal

“(a) In a habeas corpus proceeding or a proceeding under section 2255 before a district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held.

“(b) There shall be no right of appeal from a final order in a proceeding to test the validity of a warrant to remove to another district or place for commitment or trial a person charged with a criminal offense against the United States, or to test the validity of such person’s detention pending removal proceedings.

“(c)(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—

“(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or

“(B) the final order in a proceeding under section 2255.

“(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

“(3) The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).”.

**SEC. 103. AMENDMENT OF FEDERAL RULES OF APPELLATE PROCEDURE.**

28 USC app.

Rule 22 of the Federal Rules of Appellate Procedure is amended to read as follows:

**“Rule 22. Habeas corpus and section 2255 proceedings**

“(a) APPLICATION FOR THE ORIGINAL WRIT.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application shall be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge shall not be permitted. The applicant may, pursuant to section 2253 of title 28, United States Code, appeal to the appropriate court of appeals from the order of the district court denying the writ.

“(b) CERTIFICATE OF APPEALABILITY.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, an appeal by the applicant for the writ may not proceed unless a district or a circuit judge issues a certificate of appealability pursuant to section 2253(c) of title 28, United States Code. If an appeal is taken by the applicant, the district judge who rendered the judgment shall either issue a certificate of appealability or state the reasons why such a certificate should not issue. The certificate or the statement shall be forwarded to the court of appeals with the notice of appeal and the file of the proceedings in the district court. If the district judge has denied the certificate, the applicant for the writ may then request issuance of the certificate by a circuit judge. If such a request is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or its representative, a certificate of appealability is not required.”.

**SEC. 104. SECTION 2254 AMENDMENTS.**

Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

“(b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

“(A) the applicant has exhausted the remedies available in the courts of the State; or

“(B)(i) there is an absence of available State corrective process; or

“(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

“(2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

“(3) A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the State, through counsel, expressly waives the requirement.”;

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

“(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—

“(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

“(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.”;

(4) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

“(e)(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence.

“(2) If the applicant has failed to develop the factual basis of a claim in State court proceedings, the court shall not hold an evidentiary hearing on the claim unless the applicant shows that—

“(A) the claim relies on—

“(i) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

“(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and

“(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.”; and

(5) by adding at the end the following new subsections:

“(h) Except as provided in section 408 of the Controlled Substances Act, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

“(i) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.”.

**SEC. 105. SECTION 2255 AMENDMENTS.**

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth undesignated paragraphs; and

(2) by adding at the end the following new undesignated paragraphs:

“A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

“(1) the date on which the judgment of conviction becomes final;

“(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

“(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

“(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

“Except as provided in section 408 of the Controlled Substances Act, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

“A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

“(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

“(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.”.

**SEC. 106. LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.**

(a) **CONFORMING AMENDMENT TO SECTION 2244(a).**—Section 2244(a) of title 28, United States Code, is amended by striking “and the petition” and all that follows through “by such inquiry.” and inserting “, except as provided in section 2255.”.

(b) **LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.**—Section 2244(b) of title 28, United States Code, is amended to read as follows:

“(b)(1) A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.

“(2) A claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless—

“(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

“(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

“(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

“(3)(A) Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

“(B) A motion in the court of appeals for an order authorizing the district court to consider a second or successive application shall be determined by a three-judge panel of the court of appeals.

“(C) The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application satisfies the requirements of this subsection.

“(D) The court of appeals shall grant or deny the authorization to file a second or successive application not later than 30 days after the filing of the motion.

“(E) The grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.

“(4) A district court shall dismiss any claim presented in a second or successive application that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.”.

#### SEC. 107. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.— Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

#### **“CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES**

“Sec.

“2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.

“2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.

“2263. Filing of habeas corpus application; time requirements; tolling rules.

“2264. Scope of Federal review; district court adjudications.

“2265. Application to State unitary review procedure.

“2266. Limitation periods for determining applications and motions.

#### **“§2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment**

“(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

“(b) This chapter is applicable if a State establishes by statute, rule of its court of last resort, or by another agency authorized

by State law, a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State post-conviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

“(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

“(1) appointing one or more counsels to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

“(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

“(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

“(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

“(e) The ineffectiveness or incompetence of counsel during State or Federal post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal post-conviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

**“§ 2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions**

“(a) Upon the entry in the appropriate State court of record of an order under section 2261(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application shall recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

“(b) A stay of execution granted pursuant to subsection (a) shall expire if—

“(1) a State prisoner fails to file a habeas corpus application under section 2254 within the time required in section 2263;

“(2) before a court of competent jurisdiction, in the presence of counsel, unless the prisoner has competently and knowingly waived such counsel, and after having been advised of the consequences, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254; or

“(3) a State prisoner files a habeas corpus petition under section 2254 within the time required by section 2263 and fails to make a substantial showing of the denial of a Federal

right or is denied relief in the district court or at any subsequent stage of review.

“(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution in the case, unless the court of appeals approves the filing of a second or successive application under section 2244(b).

**“§ 2263. Filing of habeas corpus application; time requirements; tolling rules**

“(a) Any application under this chapter for habeas corpus relief under section 2254 must be filed in the appropriate district court not later than 180 days after final State court affirmance of the conviction and sentence on direct review or the expiration of the time for seeking such review.

“(b) The time requirements established by subsection (a) shall be tolled—

“(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

“(2) from the date on which the first petition for post-conviction review or other collateral relief is filed until the final State court disposition of such petition; and

“(3) during an additional period not to exceed 30 days, if—

“(A) a motion for an extension of time is filed in the Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus application under section 2254; and

“(B) a showing of good cause is made for the failure to file the habeas corpus application within the time period established by this section.

**“§ 2264. Scope of Federal review; district court adjudications**

“(a) Whenever a State prisoner under capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall only consider a claim or claims that have been raised and decided on the merits in the State courts, unless the failure to raise the claim properly is—

“(1) the result of State action in violation of the Constitution or laws of the United States;

“(2) the result of the Supreme Court's recognition of a new Federal right that is made retroactively applicable; or

“(3) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal post-conviction review.

“(b) Following review subject to subsections (a), (d), and (e) of section 2254, the court shall rule on the claims properly before it.

**“§ 2265. Application to State unitary review procedure**

“(a) For purposes of this section, a ‘unitary review’ procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter

shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

“(b) To qualify under this section, a unitary review procedure must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2261(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

“(c) Sections 2262, 2263, 2264, and 2266 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State ‘post-conviction review’ and ‘direct review’ in such sections shall be understood as referring to unitary review under the State procedure. The reference in section 2262(a) to ‘an order under section 2261(c)’ shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the 180-day limitation period under section 2263 shall be deferred until a transcript is made available to the prisoner or counsel of the prisoner.

**“§ 2266. Limitation periods for determining applications and motions**

“(a) The adjudication of any application under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

“(b)(1)(A) A district court shall render a final determination and enter a final judgment on any application for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the application is filed.

“(B) A district court shall afford the parties at least 120 days in which to complete all actions, including the preparation of all pleadings and briefs, and if necessary, a hearing, prior to the submission of the case for decision.

“(C)(i) A district court may delay for not more than one additional 30-day period beyond the period specified in subparagraph (A), the rendering of a determination of an application for a writ of habeas corpus if the court issues a written order making a finding, and stating the reasons for the finding, that the ends of justice that would be served by allowing the delay outweigh the best interests of the public and the applicant in a speedy disposition of the application.

“(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of an application is warranted are as follows:

“(I) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

“(II) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate briefing within the time limitations established by subparagraph (A).

“(III) Whether the failure to allow a delay in a case that, taken as a whole, is not so unusual or so complex as described in subclause (II), but would otherwise deny the applicant reasonable time to obtain counsel, would unreasonably deny the applicant or the government continuity of counsel, or would deny counsel for the applicant or the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

“(iii) No delay in disposition shall be permissible because of general congestion of the court's calendar.

“(iv) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts for inclusion in the report under paragraph (5).

“(2) The time limitations under paragraph (1) shall apply to—

“(A) an initial application for a writ of habeas corpus;

“(B) any second or successive application for a writ of habeas corpus; and

“(C) any redetermination of an application for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

“(3)(A) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

“(B) No amendment to an application for a writ of habeas corpus under this chapter shall be permitted after the filing of the answer to the application, except on the grounds specified in section 2244(b).

“(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

“(B) The State may enforce a time limitation under this section by petitioning for a writ of mandamus to the court of appeals. The court of appeals shall act on the petition for a writ of mandamus not later than 30 days after the filing of the petition.

“(5)(A) The Administrative Office of the United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section. Reports.

“(B) The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)(iv).

“(c)(1)(A) A court of appeals shall hear and render a final determination of any appeal of an order granting or denying, in whole or in part, an application brought under this chapter in a capital case not later than 120 days after the date on which the reply brief is filed, or if no reply brief is filed, not later than 120 days after the date on which the answering brief is filed.

“(B)(i) A court of appeals shall decide whether to grant a petition for rehearing or other request for rehearing en banc not later than 30 days after the date on which the petition for rehearing is filed unless a responsive pleading is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the responsive pleading is filed.

“(ii) If a petition for rehearing or rehearing en banc is granted, the court of appeals shall hear and render a final determination of the appeal not later than 120 days after the date on which the order granting rehearing or rehearing en banc is entered.

“(2) The time limitations under paragraph (1) shall apply to—

“(A) an initial application for a writ of habeas corpus;

“(B) any second or successive application for a writ of habeas corpus; and

“(C) any redetermination of an application for a writ of habeas corpus or related appeal following a remand by the court of appeals en banc or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

“(3) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

“(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

“(B) The State may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

Reports.

“(5) The Administrative Office of the United States Courts shall submit to Congress an annual report on the compliance by the courts of appeals with the time limitations under this section.”.

(b) TECHNICAL AMENDMENT.—The part analysis for part IV of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

“154. Special habeas corpus procedures in capital cases .....2261.”.

28 USC 2261  
note.

(c) EFFECTIVE DATE.—Chapter 154 of title 28, United States Code (as added by subsection (a)) shall apply to cases pending on or after the date of enactment of this Act.

#### SEC. 108. TECHNICAL AMENDMENT.

Section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q)) is amended by amending paragraph (9) to read as follows:

“(9) Upon a finding that investigative, expert, or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or the sentence, the court may authorize the defendant’s attorneys to obtain such services on behalf of the defendant and, if so authorized, shall order the payment of fees and expenses therefor under paragraph (10). No ex parte proceeding, communication, or request may be considered pursuant to this section unless a proper showing is made concerning the need for confidentiality. Any such proceeding, communication, or request shall be transcribed and made a part of the record available for appellate review.”.

## TITLE II—JUSTICE FOR VICTIMS

### Subtitle A—Mandatory Victim Restitution

Mandatory  
Victims  
Restitution Act of  
1996.  
Courts.

#### SEC. 201. SHORT TITLE.

This subtitle may be cited as the “Mandatory Victims Restitution Act of 1996”.

#### SEC. 202. ORDER OF RESTITUTION.

Section 3556 of title 18, United States Code, is amended—

- (1) by striking “may” and inserting “shall”; and
- (2) by striking “sections 3663 and 3664.” and inserting “section 3663A, and may order restitution in accordance with section 3663. The procedures under section 3664 shall apply to all orders of restitution under this section.”.

#### SEC. 203. CONDITIONS OF PROBATION.

Section 3563 of title 18, United States Code, is amended—

- (1) in subsection (a)—
  - (A) in paragraph (3), by striking “and” at the end;
  - (B) in the first paragraph (4) (relating to conditions of probation for a domestic crime of violence), by striking the period and inserting a semicolon;
  - (C) by redesignating the second paragraph (4) (relating to conditions of probation concerning drug use and testing) as paragraph (5);
  - (D) in paragraph (5), as redesignated, by striking the period at the end and inserting a semicolon; and
  - (E) by inserting after paragraph (5), as redesignated, the following new paragraphs:
    - “(6) that the defendant—
      - “(A) make restitution in accordance with sections 2248, 2259, 2264, 2327, 3663, 3663A, and 3664; and
      - “(B) pay the assessment imposed in accordance with section 3013; and
    - “(7) that the defendant will notify the court of any material change in the defendant’s economic circumstances that might affect the defendant’s ability to pay restitution, fines, or special assessments.”; and
- (2) in subsection (b)—
  - (A) by striking paragraph (2);
  - (B) by redesignating paragraphs (3) through (22) as paragraphs (2) through (21), respectively; and
  - (C) by amending paragraph (2), as redesignated, to read as follows:
    - “(2) make restitution to a victim of the offense under section 3556 (but not subject to the limitation of section 3663(a) or 3663A(c)(1)(A)).”.

#### SEC. 204. MANDATORY RESTITUTION.

(a) IN GENERAL.—Chapter 232 of title 18, United States Code, is amended by inserting immediately after section 3663 the following new section:

##### “§ 3663A. Mandatory restitution to victims of certain crimes

“(a)(1) Notwithstanding any other provision of law, when sentencing a defendant convicted of an offense described in sub-

section (c), the court shall order, in addition to, or in the case of a misdemeanor, in addition to or in lieu of, any other penalty authorized by law, that the defendant make restitution to the victim of the offense or, if the victim is deceased, to the victim's estate.

"(2) For the purposes of this section, the term 'victim' means a person directly and proximately harmed as a result of the commission of an offense for which restitution may be ordered including, in the case of an offense that involves as an element a scheme, conspiracy, or pattern of criminal activity, any person directly harmed by the defendant's criminal conduct in the course of the scheme, conspiracy, or pattern. In the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, may assume the victim's rights under this section, but in no event shall the defendant be named as such representative or guardian.

"(3) The court shall also order, if agreed to by the parties in a plea agreement, restitution to persons other than the victim of the offense.

"(b) The order of restitution shall require that such defendant—

"(1) in the case of an offense resulting in damage to or loss or destruction of property of a victim of the offense—

"(A) return the property to the owner of the property or someone designated by the owner; or

"(B) if return of the property under subparagraph (A) is impossible, impracticable, or inadequate, pay an amount equal to—

"(i) the greater of—

"(I) the value of the property on the date of the damage, loss, or destruction; or

"(II) the value of the property on the date of sentencing, less

"(ii) the value (as of the date the property is returned) of any part of the property that is returned;

"(2) in the case of an offense resulting in bodily injury to a victim—

"(A) pay an amount equal to the cost of necessary medical and related professional services and devices relating to physical, psychiatric, and psychological care, including nonmedical care and treatment rendered in accordance with a method of healing recognized by the law of the place of treatment;

"(B) pay an amount equal to the cost of necessary physical and occupational therapy and rehabilitation; and

"(C) reimburse the victim for income lost by such victim as a result of such offense;

"(3) in the case of an offense resulting in bodily injury that results in the death of the victim, pay an amount equal to the cost of necessary funeral and related services; and

"(4) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses incurred during participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense.

“(c)(1) This section shall apply in all sentencing proceedings for convictions of, or plea agreements relating to charges for, any offense— Applicability.

“(A) that is—

“(i) a crime of violence, as defined in section 16;

“(ii) an offense against property under this title, including any offense committed by fraud or deceit; or

“(iii) an offense described in section 1365 (relating to tampering with consumer products); and

“(B) in which an identifiable victim or victims has suffered a physical injury or pecuniary loss.

“(2) In the case of a plea agreement that does not result in a conviction for an offense described in paragraph (1), this section shall apply only if the plea specifically states that an offense listed under such paragraph gave rise to the plea agreement.

“(3) This section shall not apply in the case of an offense described in paragraph (1)(A)(ii) if the court finds, from facts on the record, that—

“(A) the number of identifiable victims is so large as to make restitution impracticable; or

“(B) determining complex issues of fact related to the cause or amount of the victim’s losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim is outweighed by the burden on the sentencing process.

“(d) An order of restitution under this section shall be issued and enforced in accordance with section 3664.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 232 of title 18, United States Code, is amended by inserting immediately after the matter relating to section 3663 the following:

“3663A. Mandatory restitution to victims of certain crimes.”.

#### SEC. 205. ORDER OF RESTITUTION TO VICTIMS OF OTHER CRIMES.

(a) IN GENERAL.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking “(a)(1) The court” and inserting “(a)(1)(A) The court”;

(B) by inserting “, section 401, 408(a), 409, 416, 420, or 422(a) of the Controlled Substances Act (21 U.S.C. 841, 848(a), 849, 856, 861, 863) (but in no case shall a participant in an offense under such sections be considered a victim of such offense under this section),” before “or section 46312,”;

(C) by inserting “other than an offense described in section 3663A(c),” after “title 49,”;

(D) by inserting before the period at the end the following: “, or if the victim is deceased, to the victim’s estate”;

(E) by adding at the end the following new subparagraph:

“(B)(i) The court, in determining whether to order restitution under this section, shall consider—

“(I) the amount of the loss sustained by each victim as a result of the offense; and

“(II) the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant’s

dependents, and such other factors as the court deems appropriate.

“(ii) To the extent that the court determines that the complication and prolongation of the sentencing process resulting from the fashioning of an order of restitution under this section outweighs the need to provide restitution to any victims, the court may decline to make such an order.”; and

(F) by amending paragraph (2) to read as follows:

“(2) For the purposes of this section, the term ‘victim’ means a person directly and proximately harmed as a result of the commission of an offense for which restitution may be ordered including, in the case of an offense that involves as an element a scheme, conspiracy, or pattern of criminal activity, any person directly harmed by the defendant’s criminal conduct in the course of the scheme, conspiracy, or pattern. In the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim’s estate, another family member, or any other person appointed as suitable by the court, may assume the victim’s rights under this section, but in no event shall the defendant be named as such representative or guardian.”;

(2) by striking subsections (c) through (i); and

(3) by adding at the end the following new subsections:

“(c)(1) Notwithstanding any other provision of law (but subject to the provisions of subsections (a)(1)(B) (i)(II) and (ii), when sentencing a defendant convicted of an offense described in section 401, 408(a), 409, 416, 420, or 422(a) of the Controlled Substances Act (21 U.S.C. 841, 848(a), 849, 856, 861, 863), in which there is no identifiable victim, the court may order that the defendant make restitution in accordance with this subsection.

“(2)(A) An order of restitution under this subsection shall be based on the amount of public harm caused by the offense, as determined by the court in accordance with guidelines promulgated by the United States Sentencing Commission.

“(B) In no case shall the amount of restitution ordered under this subsection exceed the amount of the fine ordered for the offense charged in the case.

“(3) Restitution under this subsection shall be distributed as follows:

“(A) 65 percent of the total amount of restitution shall be paid to the State entity designated to administer crime victim assistance in the State in which the crime occurred.

“(B) 35 percent of the total amount of restitution shall be paid to the State entity designated to receive Federal substance abuse block grant funds.

“(4) The court shall not make an award under this subsection if it appears likely that such award would interfere with a forfeiture under chapter 46 of this title or under the Controlled Substances Act (21 U.S.C. 801 et seq.).

“(5) Notwithstanding section 3612(c) or any other provision of law, a penalty assessment under section 3013 or a fine under subchapter C of chapter 227 shall take precedence over an order of restitution under this subsection.

“(6) Requests for community restitution under this subsection may be considered in all plea agreements negotiated by the United States.

"(7)(A) The United States Sentencing Commission shall promulgate guidelines to assist courts in determining the amount of restitution that may be ordered under this subsection.

Guidelines.

"(B) No restitution shall be ordered under this subsection until such time as the Sentencing Commission promulgates guidelines pursuant to this paragraph.

"(d) An order of restitution made pursuant to this section shall be issued and enforced in accordance with section 3664."

(b) SEXUAL ABUSE.—Section 2248 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "or 3663A" after "3663";

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) DIRECTIONS.—The order of restitution under this section shall direct the defendant to pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court pursuant to paragraph (2).";

(B) by amending paragraph (2) to read as follows:

"(2) ENFORCEMENT.—An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.";

(C) in paragraph (4), by striking subparagraphs (C) and (D); and

(D) by striking paragraphs (5) through (10);

(3) by striking subsections (c) through (e); and

(4) by redesignating subsection (f) as subsection (c).

(c) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—Section 2259 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "or 3663A" after "3663";

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) DIRECTIONS.—The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court pursuant to paragraph (2).";

(B) by amending paragraph (2) to read as follows:

"(2) ENFORCEMENT.—An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.";

(C) in paragraph (4), by striking subparagraphs (C) and (D); and

(D) by striking paragraphs (5) through (10);

(3) by striking subsections (c) through (e); and

(4) by redesignating subsection (f) as subsection (c).

(d) DOMESTIC VIOLENCE.—Section 2264 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "or 3663A" after "3663";

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) DIRECTIONS.—The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court pursuant to paragraph (2).";

(B) by amending paragraph (2) to read as follows:

“(2) ENFORCEMENT.—An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.”;

(C) in paragraph (4), by striking subparagraphs (C) and (D); and

(D) by striking paragraphs (5) through (10);

(3) by striking subsections (c) through (g); and

(4) by adding at the end the following new subsection

(c):

“(c) VICTIM DEFINED.—For purposes of this section, the term ‘victim’ means the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim’s estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian.”

(e) TELEMARKETING FRAUD.—Section 2327 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting “or 3663A” after “3663”;

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

“(1) DIRECTIONS.—The order of restitution under this section shall direct the defendant to pay to the victim (through the appropriate court mechanism) the full amount of the victim’s losses as determined by the court pursuant to paragraph (2).”;

(B) by amending paragraph (2) to read as follows:

“(2) ENFORCEMENT.—An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.”;

(C) in paragraph (4), by striking subparagraphs (C) and (D); and

(D) by striking paragraphs (5) through (10);

(3) by striking subsections (c) through (e); and

(4) by redesignating subsection (f) as subsection (c).

#### SEC. 206. PROCEDURE FOR ISSUANCE OF RESTITUTION ORDER.

(a) IN GENERAL.—Section 3664 of title 18, United States Code, is amended to read as follows:

##### “§ 3664. Procedure for issuance and enforcement of order of restitution

Reports.

“(a) For orders of restitution under this title, the court shall order the probation officer to obtain and include in its presentence report, or in a separate report, as the court may direct, information sufficient for the court to exercise its discretion in fashioning a restitution order. The report shall include, to the extent practicable, a complete accounting of the losses to each victim, any restitution owed pursuant to a plea agreement, and information relating to the economic circumstances of each defendant. If the number or identity of victims cannot be reasonably ascertained, or other circumstances exist that make this requirement clearly impracticable, the probation officer shall so inform the court.

“(b) The court shall disclose to both the defendant and the attorney for the Government all portions of the presentence or

other report pertaining to the matters described in subsection (a) of this section.

“(c) The provisions of this chapter, chapter 227, and Rule 32(c) of the Federal Rules of Criminal Procedure shall be the only rules applicable to proceedings under this section.

“(d)(1) Upon the request of the probation officer, but not later than 60 days prior to the date initially set for sentencing, the attorney for the Government, after consulting, to the extent practicable, with all identified victims, shall promptly provide the probation officer with a listing of the amounts subject to restitution.

“(2) The probation officer shall, prior to submitting the presentence report under subsection (a), to the extent practicable—

“(A) provide notice to all identified victims of—

“(i) the offense or offenses of which the defendant was convicted;

“(ii) the amounts subject to restitution submitted to the probation officer;

“(iii) the opportunity of the victim to submit information to the probation officer concerning the amount of the victim’s losses;

“(iv) the scheduled date, time, and place of the sentencing hearing;

“(v) the availability of a lien in favor of the victim pursuant to subsection (m)(1)(B); and

“(vi) the opportunity of the victim to file with the probation officer a separate affidavit relating to the amount of the victim’s losses subject to restitution; and

“(B) provide the victim with an affidavit form to submit pursuant to subparagraph (A)(vi).

“(3) Each defendant shall prepare and file with the probation officer an affidavit fully describing the financial resources of the defendant, including a complete listing of all assets owned or controlled by the defendant as of the date on which the defendant was arrested, the financial needs and earning ability of the defendant and the defendant’s dependents, and such other information that the court requires relating to such other factors as the court deems appropriate.

“(4) After reviewing the report of the probation officer, the court may require additional documentation or hear testimony. The privacy of any records filed, or testimony heard, pursuant to this section shall be maintained to the greatest extent possible, and such records may be filed or testimony heard in camera.

Privacy.

“(5) If the victim’s losses are not ascertainable by the date that is 10 days prior to sentencing, the attorney for the Government or the probation officer shall so inform the court, and the court shall set a date for the final determination of the victim’s losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

“(6) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate judge or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.

“(e) Any dispute as to the proper amount or type of restitution shall be resolved by the court by the preponderance of the evidence. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense shall be on the attorney for the Government. The burden of demonstrating the financial resources of the defendant and the financial needs of the defendant’s dependents, shall be on the defendant. The burden of demonstrating such other matters as the court deems appropriate shall be upon the party designated by the court as justice requires.

“(f)(1)(A) In each order of restitution, the court shall order restitution to each victim in the full amount of each victim’s losses as determined by the court and without consideration of the economic circumstances of the defendant.

“(B) In no case shall the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source be considered in determining the amount of restitution.

“(2) Upon determination of the amount of restitution owed to each victim, the court shall, pursuant to section 3572, specify in the restitution order the manner in which, and the schedule according to which, the restitution is to be paid, in consideration of—

“(A) the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled;

“(B) projected earnings and other income of the defendant; and

“(C) any financial obligations of the defendant; including obligations to dependents.

“(3)(A) A restitution order may direct the defendant to make a single, lump-sum payment, partial payments at specified intervals, in-kind payments, or a combination of payments at specified intervals and in-kind payments.

“(B) A restitution order may direct the defendant to make nominal periodic payments if the court finds from facts on the record that the economic circumstances of the defendant do not allow the payment of any amount of a restitution order, and do not allow for the payment of the full amount of a restitution order in the foreseeable future under any reasonable schedule of payments.

“(4) An in-kind payment described in paragraph (3) may be in the form of—

“(A) return of property;

“(B) replacement of property; or

“(C) if the victim agrees, services rendered to the victim or a person or organization other than the victim.

“(g)(1) No victim shall be required to participate in any phase of a restitution order.

“(2) A victim may at any time assign the victim’s interest in restitution payments to the Crime Victims Fund in the Treasury without in any way impairing the obligation of the defendant to make such payments.

“(h) If the court finds that more than 1 defendant has contributed to the loss of a victim, the court may make each defendant liable for payment of the full amount of restitution or may apportion liability among the defendants to reflect the level of contribution to the victim’s loss and economic circumstances of each defendant.

“(i) If the court finds that more than 1 victim has sustained a loss requiring restitution by a defendant, the court may provide for a different payment schedule for each victim based on the type and amount of each victim’s loss and accounting for the economic circumstances of each victim. In any case in which the United States is a victim, the court shall ensure that all other victims receive full restitution before the United States receives any restitution.

“(j)(1) If a victim has received compensation from insurance or any other source with respect to a loss, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

“(2) Any amount paid to a victim under an order of restitution shall be reduced by any amount later recovered as compensatory damages for the same loss by the victim in—

“(A) any Federal civil proceeding; and

“(B) any State civil proceeding, to the extent provided by the law of the State.

“(k) A restitution order shall provide that the defendant shall notify the court and the Attorney General of any material change in the defendant’s economic circumstances that might affect the defendant’s ability to pay restitution. The court may also accept notification of a material change in the defendant’s economic circumstances from the United States or from the victim. The Attorney General shall certify to the court that the victim or victims owed restitution by the defendant have been notified of the change in circumstances. Upon receipt of the notification, the court may, on its own motion, or the motion of any party, including the victim, adjust the payment schedule, or require immediate payment in full, as the interests of justice require.

Certification.

“(l) A conviction of a defendant for an offense involving the act giving rise to an order of restitution shall estop the defendant from denying the essential allegations of that offense in any subsequent Federal civil proceeding or State civil proceeding, to the extent consistent with State law, brought by the victim.

“(m)(1)(A)(i) An order of restitution may be enforced by the United States in the manner provided for in subchapter C of chapter 227 and subchapter B of chapter 229 of this title; or

“(ii) by all other available and reasonable means.

“(B) At the request of a victim named in a restitution order, the clerk of the court shall issue an abstract of judgment certifying that a judgment has been entered in favor of such victim in the amount specified in the restitution order. Upon registering, recording, docketing, or indexing such abstract in accordance with the rules and requirements relating to judgments of the court of the State where the district court is located, the abstract of judgment shall be a lien on the property of the defendant located in such State in the same manner and to the same extent and under the same conditions as a judgment of a court of general jurisdiction in that State.

“(2) An order of in-kind restitution in the form of services shall be enforced by the probation officer.

“(n) If a person obligated to provide restitution, or pay a fine, receives substantial resources from any source, including inherit-

ance, settlement, or other judgment, during a period of incarceration, such person shall be required to apply the value of such resources to any restitution or fine still owed.

“(o) A sentence that imposes an order of restitution is a final judgment notwithstanding the fact that—

“(1) such a sentence can subsequently be—

“(A) corrected under Rule 35 of the Federal Rules of Criminal Procedure and section 3742 of chapter 235 of this title;

“(B) appealed and modified under section 3742;

“(C) amended under section 3664(d)(3); or

“(D) adjusted under section 3664(k), 3572, or 3613A;

or

“(2) the defendant may be resentenced under section 3565 or 3614.

“(p) Nothing in this section or sections 2248, 2259, 2264, 2327, 3663, and 3663A and arising out of the application of such sections, shall be construed to create a cause of action not otherwise authorized in favor of any person against the United States or any officer or employee of the United States.”

(b) TECHNICAL AMENDMENT.—The item relating to section 3664 in the analysis for chapter 232 of title 18, United States Code, is amended to read as follows:

“3664. Procedure for issuance and enforcement of order of restitution.”

#### SEC. 207. PROCEDURE FOR ENFORCEMENT OF FINE OR RESTITUTION ORDER.

(a) AMENDMENT OF FEDERAL RULES OF CRIMINAL PROCEDURE.—Rule 32(b) of the Federal Rules of Criminal Procedure is amended—

(1) in paragraph (1), by adding at the end the following: “Notwithstanding the preceding sentence, a presentence investigation and report, or other report containing information sufficient for the court to enter an order of restitution, as the court may direct, shall be required in any case in which restitution is required to be ordered.”; and

(2) in paragraph (4)—

(A) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(B) by inserting after subparagraph (E), the following new subparagraph:

“(F) in appropriate cases, information sufficient for the court to enter an order of restitution;”

(b) FINES.—Section 3572 of title 18, United States Code, is amended—

(1) in subsection (b) by inserting “other than the United States,” after “offense,”;

(2) in subsection (d)—

(A) in the first sentence, by striking “A person sentenced to pay a fine or other monetary penalty” and inserting “(1) A person sentenced to pay a fine or other monetary penalty, including restitution,”;

(B) by striking the third sentence; and

(C) by adding at the end the following:

“(2) If the judgment, or, in the case of a restitution order, the order, permits other than immediate payment, the length of time over which scheduled payments will be made shall be set

18 USC app.

Reports.

by the court, but shall be the shortest time in which full payment can reasonably be made.

“(3) A judgment for a fine which permits payments in installments shall include a requirement that the defendant will notify the court of any material change in the defendant’s economic circumstances that might affect the defendant’s ability to pay the fine. Upon receipt of such notice the court may, on its own motion or the motion of any party, adjust the payment schedule, or require immediate payment in full, as the interests of justice require.”;

(3) in subsection (f), by inserting “restitution” after “special assessment,”;

(4) in subsection (h), by inserting “or payment of restitution” after “A fine”; and

(5) in subsection (i)—

(A) in the first sentence, by inserting “or payment of restitution” after “A fine”; and

(B) by amending the second sentence to read as follows: “Notwithstanding any installment schedule, when a fine or payment of restitution is in default, the entire amount of the fine or restitution is due within 30 days after notification of the default, subject to the provisions of section 3613A.”.

(c) POSTSENTENCE ADMINISTRATION.—

(1) PAYMENT OF A FINE OR RESTITUTION.—Section 3611 of title 18, United States Code, is amended—

(A) by amending the heading to read as follows:

**“§ 3611. Payment of a fine or restitution”;**

and

(B) by striking “or assessment shall pay the fine or assessment” and inserting “, assessment, or restitution, shall pay the fine, assessment, or restitution”.

(2) COLLECTION.—Section 3612 of title 18, United States Code, is amended—

(A) by amending the heading to read as follows:

**“§ 3612. Collection of unpaid fine or restitution”;**

(B) in subsection (b)(1)—

(i) in the matter preceding subparagraph (A), by inserting “or restitution order” after “fine”;

(ii) in subparagraph (C), by inserting “or restitution order” after “fine”;

(iii) in subparagraph (E), by striking “and”;

(iv) in subparagraph (F)—

(I) by inserting “or restitution order” after “fine”; and

(II) by striking the period at the end and inserting “, and”; and

(v) by adding at the end the following new subparagraph:

“(G) in the case of a restitution order, information sufficient to identify each victim to whom restitution is owed. It shall be the responsibility of each victim to notify the Attorney General, or the appropriate entity of the court, by means of a form to be provided by the Attorney General or the court, of any change in the victim’s mailing address while restitution is still owed the victim. The confidentiality

Privacy.

of any information relating to a victim shall be maintained.”;

(C) in subsection (c)—

(i) in the first sentence, by inserting “or restitution” after “fine”; and

(ii) by adding at the end the following: “Any money received from a defendant shall be disbursed so that each of the following obligations is paid in full in the following sequence:

“(1) A penalty assessment under section 3013 of title 18, United States Code.

“(2) Restitution of all victims.

“(3) All other fines, penalties, costs, and other payments required under the sentence.”;

(D) in subsection (d)—

(i) by inserting “or restitution” after “fine”; and

(ii) by striking “is delinquent, to inform him that the fine is delinquent” and inserting “or restitution is delinquent, to inform the person of the delinquency”;

(E) in subsection (e)—

(i) by inserting “or restitution” after “fine”; and

(ii) by striking “him that the fine is in default” and inserting “the person that the fine or restitution is in default”;

(F) in subsection (f)—

(i) in the heading, by inserting “and restitution” after “on fines”; and

(ii) in paragraph (1), by inserting “or restitution” after “any fine”;

(G) in subsection (g), by inserting “or restitution” after “fine” each place it appears; and

(H) in subsection (i), by inserting “and restitution” after “fines”.

(3) CIVIL REMEDIES.—Section 3613 of title 18, United States Code, is amended to read as follows:

**“§ 3613. Civil remedies for satisfaction of an unpaid fine**

“(a) ENFORCEMENT.—The United States may enforce a judgment imposing a fine in accordance with the practices and procedures for the enforcement of a civil judgment under Federal law or State law. Notwithstanding any other Federal law (including section 207 of the Social Security Act), a judgment imposing a fine may be enforced against all property or rights to property of the person fined, except that—

“(1) property exempt from levy for taxes pursuant to section 6334(a) (1), (2), (3), (4), (5), (6), (7), (8), (10), and (12) of the Internal Revenue Code of 1986 shall be exempt from enforcement of the judgment under Federal law;

“(2) section 3014 of chapter 176 of title 28 shall not apply to enforcement under Federal law; and

“(3) the provisions of section 303 of the Consumer Credit Protection Act (15 U.S.C. 1673) shall apply to enforcement of the judgment under Federal law or State law.

“(b) TERMINATION OF LIABILITY.—The liability to pay a fine shall terminate the later of 20 years from the entry of judgment or 20 years after the release from imprisonment of the person fined, or upon the death of the individual fined.

“(c) LIEN.—A fine imposed pursuant to the provisions of subchapter C of chapter 227 of this title, or an order of restitution made pursuant to sections 2248, 2259, 2264, 2327, 3663, 3663A, or 3664 of this title, is a lien in favor of the United States on all property and rights to property of the person fined as if the liability of the person fined were a liability for a tax assessed under the Internal Revenue Code of 1986. The lien arises on the entry of judgment and continues for 20 years or until the liability is satisfied, remitted, set aside, or is terminated under subsection (b).

“(d) EFFECT OF FILING NOTICE OF LIEN.—Upon filing of a notice of lien in the manner in which a notice of tax lien would be filed under section 6323(f) (1) and (2) of the Internal Revenue Code of 1986, the lien shall be valid against any purchaser, holder of a security interest, mechanic's lienor or judgment lien creditor, except with respect to properties or transactions specified in subsection (b), (c), or (d) of section 6323 of the Internal Revenue Code of 1986 for which a notice of tax lien properly filed on the same date would not be valid. The notice of lien shall be considered a notice of lien for taxes payable to the United States for the purpose of any State or local law providing for the filing of a notice of a tax lien. A notice of lien that is registered, recorded, docketed, or indexed in accordance with the rules and requirements relating to judgments of the courts of the State where the notice of lien is registered, recorded, docketed, or indexed shall be considered for all purposes as the filing prescribed by this section. The provisions of section 3201(e) of chapter 176 of title 28 shall apply to liens filed as prescribed by this section.

“(e) DISCHARGE OF DEBT INAPPLICABLE.—No discharge of debts in a proceeding pursuant to any chapter of title 11, United States Code, shall discharge liability to pay a fine pursuant to this section, and a lien filed as prescribed by this section shall not be voided in a bankruptcy proceeding.

“(f) APPLICABILITY TO ORDER OF RESTITUTION.—In accordance with section 3664(m)(1)(A) of this title, all provisions of this section are available to the United States for the enforcement of an order of restitution.”

(4) DEFAULT.—Chapter 229 of title 18, United States Code, is amended by inserting after section 3613 the following new section:

**“§ 3613A. Effect of default**

“(a)(1) Upon a finding that the defendant is in default on a payment of a fine or restitution, the court may, pursuant to section 3565, revoke probation or a term of supervised release, modify the terms or conditions of probation or a term of supervised release, resentence a defendant pursuant to section 3614, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, enter or adjust a payment schedule, or take any other action necessary to obtain compliance with the order of a fine or restitution.

“(2) In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the fine or restitution order, and any other circumstances that may have a

bearing on the defendant's ability or failure to comply with the order of a fine or restitution.

"(b)(1) Any hearing held pursuant to this section may be conducted by a magistrate judge, subject to de novo review by the court.

"(2) To the extent practicable, in a hearing held pursuant to this section involving a defendant who is confined in any jail, prison, or other correctional facility, proceedings in which the prisoner's participation is required or permitted shall be conducted by telephone, video conference, or other communications technology without removing the prisoner from the facility in which the prisoner is confined."

(5) RESENTENCING.—Section 3614 of title 18, United States Code, is amended—

(A) in the heading, by inserting "or restitution" after "fine";

(B) in subsection (a), by inserting "or restitution" after "fine"; and

(C) by adding at the end the following new subsection:

"(c) EFFECT OF INDIGENCY.—In no event shall a defendant be incarcerated under this section solely on the basis of inability to make payments because the defendant is indigent."

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter B of chapter 229 of title 18, United States Code, is amended to read as follows:

"Sec.

"3611. Payment of a fine or restitution.

"3612. Collection of an unpaid fine or restitution.

"3613. Civil remedies for satisfaction of an unpaid fine.

"3613A. Effect of default.

"3614. Resentencing upon failure to pay a fine or restitution.

"3615. Criminal default."

28 USC 994 note.

#### SEC. 208. INSTRUCTION TO SENTENCING COMMISSION.

Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to reflect this subtitle and the amendments made by this subtitle.

18 USC 3551 note.

#### SEC. 209. JUSTICE DEPARTMENT REGULATIONS.

Not later than 90 days after the date of enactment of this subtitle, the Attorney General shall promulgate guidelines, or amend existing guidelines, to carry out this subtitle and the amendments made by this subtitle and to ensure that—

(1) in all plea agreements negotiated by the United States, consideration is given to requesting that the defendant provide full restitution to all victims of all charges contained in the indictment or information, without regard to the counts to which the defendant actually pleaded; and

(2) orders of restitution made pursuant to the amendments made by this subtitle are enforced to the fullest extent of the law.

#### SEC. 210. SPECIAL ASSESSMENTS ON CONVICTED PERSONS.

Section 3013(a)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking "\$50" and inserting "not less than \$100"; and

(2) in subparagraph (B), by striking "\$200" and inserting "not less than \$400".

**SEC. 211. EFFECTIVE DATE.**18 USC 2248  
note.

The amendments made by this subtitle shall, to the extent constitutionally permissible, be effective for sentencing proceedings in cases in which the defendant is convicted on or after the date of enactment of this Act.

## **Subtitle B—Jurisdiction for Lawsuits Against Terrorist States**

**SEC. 221. JURISDICTION FOR LAWSUITS AGAINST TERRORIST STATES.**

(a) **EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY FOR CERTAIN CASES.**—Section 1605 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “or” at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting “; or”; and

(C) by adding at the end the following new paragraph:

“(7) not otherwise covered by paragraph (2), in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency, except that the court shall decline to hear a claim under this paragraph—

“(A) if the foreign state was not designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred, unless later so designated as a result of such act; and

“(B) even if the foreign state is or was so designated, if—

“(i) the act occurred in the foreign state against which the claim has been brought and the claimant has not afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with accepted international rules of arbitration; or

“(ii) the claimant or victim was not a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act) when the act upon which the claim is based occurred.”; and

(2) by adding at the end the following:

“(e) For purposes of paragraph (7) of subsection (a)—

“(1) the terms ‘torture’ and ‘extrajudicial killing’ have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991;

“(2) the term ‘hostage taking’ has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

“(3) the term ‘aircraft sabotage’ has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

“(f) No action shall be maintained under subsection (a)(7) unless the action is commenced not later than 10 years after the date on which the cause of action arose. All principles of equitable tolling, including the period during which the foreign state was immune from suit, shall apply in calculating this limitation period.

“(g) LIMITATION ON DISCOVERY.—

“(1) IN GENERAL.—(A) Subject to paragraph (2), if an action is filed that would otherwise be barred by section 1604, but for subsection (a)(7), the court, upon request of the Attorney General, shall stay any request, demand, or order for discovery on the United States that the Attorney General certifies would significantly interfere with a criminal investigation or prosecution, or a national security operation, related to the incident that gave rise to the cause of action, until such time as the Attorney General advises the court that such request, demand, or order will no longer so interfere.

“(B) A stay under this paragraph shall be in effect during the 12-month period beginning on the date on which the court issues the order to stay discovery. The court shall renew the order to stay discovery for additional 12-month periods upon motion by the United States if the Attorney General certifies that discovery would significantly interfere with a criminal investigation or prosecution, or a national security operation, related to the incident that gave rise to the cause of action.

“(2) SUNSET.—(A) Subject to subparagraph (B), no stay shall be granted or continued in effect under paragraph (1) after the date that is 10 years after the date on which the incident that gave rise to the cause of action occurred.

“(B) After the period referred to in subparagraph (A), the court, upon request of the Attorney General, may stay any request, demand, or order for discovery on the United States that the court finds a substantial likelihood would—

“(i) create a serious threat of death or serious bodily injury to any person;

“(ii) adversely affect the ability of the United States to work in cooperation with foreign and international law enforcement agencies in investigating violations of United States law; or

“(iii) obstruct the criminal case related to the incident that gave rise to the cause of action or undermine the potential for a conviction in such case.

“(3) EVALUATION OF EVIDENCE.—The court’s evaluation of any request for a stay under this subsection filed by the Attorney General shall be conducted ex parte and in camera.

“(4) BAR ON MOTIONS TO DISMISS.—A stay of discovery under this subsection shall constitute a bar to the granting of a motion to dismiss under rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure.

“(5) CONSTRUCTION.—Nothing in this subsection shall prevent the United States from seeking protective orders or asserting privileges ordinarily available to the United States.”.

(b) EXCEPTION TO IMMUNITY FROM ATTACHMENT.—

(1) FOREIGN STATE.—Section 1610(a) of title 28, United States Code, is amended—

(A) by striking the period at the end of paragraph (6) and inserting “, or”; and

(B) by adding at the end the following new paragraph:  
 “(7) the judgment relates to a claim for which the foreign state is not immune under section 1605(a)(7), regardless of whether the property is or was involved with the act upon which the claim is based.”.

(2) AGENCY OR INSTRUMENTALITY.—Section 1610(b)(2) of title 28, United States Code, is amended—

(A) by striking “or (5)” and inserting “(5), or (7)”; and

(B) by striking “used for the activity” and inserting “involved in the act”.

(c) APPLICABILITY.—The amendments made by this subtitle shall apply to any cause of action arising before, on, or after the date of the enactment of this Act.

28 USC 1605  
note.

## Subtitle C—Assistance to Victims of Terrorism

Justice for  
Victims of  
Terrorism Act of  
1996.

### SEC. 231. SHORT TITLE.

This subtitle may be cited as the “Justice for Victims of Terrorism Act of 1996”.

42 USC 10601  
note.

### SEC. 232. VICTIMS OF TERRORISM ACT.

(a) AUTHORITY TO PROVIDE ASSISTANCE AND COMPENSATION TO VICTIMS OF TERRORISM.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404A the following new section:

#### “SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.

42 USC 10603b.

“(a) VICTIMS OF ACTS OF TERRORISM OUTSIDE THE UNITED STATES.—The Director may make supplemental grants as provided in section 1404(a) to States to provide compensation and assistance to the residents of such States who, while outside of the territorial boundaries of the United States, are victims of a terrorist act or mass violence and are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

“(b) VICTIMS OF TERRORISM WITHIN THE UNITED STATES.—The Director may make supplemental grants as provided in section 1404(d)(4)(B) to States for eligible crime victim compensation and assistance programs to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, for the benefit of victims of terrorist acts or mass violence occurring within the United States and may provide funding to United States Attorney’s Offices for use in coordination with State victim compensation and assistance efforts in providing emergency relief.”.

(b) FUNDING OF COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM, MASS VIOLENCE, AND CRIME.—Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended to read as follows:

“(4)(A) If the sums available in the Fund are sufficient to fully provide grants to the States pursuant to section 1403(a)(1), the Director may retain any portion of the Fund that was deposited during a fiscal year that was in excess

of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as an emergency reserve. Such reserve shall not exceed \$50,000,000.

“(B) The emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 1404B and to supplement the funds available to provide grants to States for compensation and assistance in accordance with sections 1403 and 1404 in years in which supplemental grants are needed.”

**(c) CRIME VICTIMS FUND AMENDMENTS.—**

**(1) UNOBLIGATED FUNDS.—**Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended—

(A) in subsection (c), by striking “subsection” and inserting “chapter”; and

(B) by amending subsection (e) to read as follows:

“(e) AMOUNTS AWARDED AND UNSPENT.—Any amount awarded as part of a grant under this chapter that remains unspent at the end of a fiscal year in which the grant is made may be expended for the purpose for which the grant is made at any time during the 2 succeeding fiscal years, at the end of which period, any remaining unobligated sums in excess of \$500,000 shall be returned to the Treasury. Any remaining unobligated sums in an amount less than \$500,000 shall be returned to the Fund.”

**(2) BASE AMOUNT.—**Section 1404(a)(5) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(5)) is amended to read as follows:

“(5) As used in this subsection, the term ‘base amount’ means—

“(A) except as provided in subparagraph (B), \$500,000; and

“(B) for the territories of the Northern Mariana Islands, Guam, American Samoa, and the Republic of Palau, \$200,000, with the Republic of Palau’s share governed by the Compact of Free Association between the United States and the Republic of Palau.”

**SEC. 233. COMPENSATION OF VICTIMS OF TERRORISM.**

**(a) REQUIRING COMPENSATION FOR TERRORIST CRIMES.—**Section 1403(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)(3)) is amended—

(1) by inserting “crimes involving terrorism,” before “driving while intoxicated”; and

(2) by inserting a comma after “driving while intoxicated”.

**(b) FOREIGN TERRORISM.—**Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(6)(B)) is amended by inserting “are outside of the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18, United States Code), or” before “are States not having”.

**(c) DESIGNATION OF CARTNEY MCRAVEN CHILD DEVELOPMENT CENTER.—**

**(1) DESIGNATION.—**

**(A) IN GENERAL.—**The Federal building at 1314 LeMay Boulevard, Ellsworth Air Force Base, South Dakota, shall be known as the “Cartney McRaven Child Development Center”.

**(B) REPLACEMENT BUILDING.—**If, after the date of enactment of this Act, a new Federal building is built

South Dakota.

at the location described in subparagraph (A) to replace the building described in the paragraph, the new Federal building shall be known as the “Cartney McRaven Child Development Center”.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to a Federal building referred to in paragraph (1) shall be deemed to be a reference to the “Cartney McRaven Child Development Center”.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 1 year after the date of enactment of this Act.

42 USC 10602  
note.

#### SEC. 234. CRIME VICTIMS FUND.

(a) PROHIBITION OF PAYMENTS TO DELINQUENT CRIMINAL DEBTORS BY STATE CRIME VICTIM COMPENSATION PROGRAMS.—

(1) IN GENERAL.—Section 1403(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)) is amended—

(A) by striking “and” at the end of paragraph (7);

(B) by redesignating paragraph (8) as paragraph (9);

and

(C) by inserting after paragraph (7) the following new paragraph:

“(8) such program does not provide compensation to any person who has been convicted of an offense under Federal law with respect to any time period during which the person is delinquent in paying a fine, other monetary penalty, or restitution imposed for the offense; and”.

(2) APPLICATION OF AMENDMENT.—Section 1403(b)(8) of the Victims of Crime Act of 1984, as added by paragraph (1) of this section, shall not be applied to deny victims compensation to any person until the date on which the Attorney General, in consultation with the Director of the Administrative Office of the United States Courts, issues a written determination that a cost-effective, readily available criminal debt payment tracking system operated by the agency responsible for the collection of criminal debt has established cost-effective, readily available communications links with entities that administer Federal victim compensation programs that are sufficient to ensure that victim compensation is not denied to any person except as authorized by law.

42 USC 10602  
note.

(b) EXCLUSION FROM INCOME FOR PURPOSES OF MEANS TESTS.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by inserting after subsection (b) the following new subsection:

“(c) EXCLUSION FROM INCOME FOR PURPOSES OF MEANS TESTS.—Notwithstanding any other law, for the purpose of any maximum allowed income eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance) that becomes necessary to an applicant for such assistance in full or in part because of the commission of a crime against the applicant, as determined by the Director, any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income of the applicant until the total amount of assistance that the applicant

receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.”.

42 USC 10608.

**SEC. 235. CLOSED CIRCUIT TELEVISED COURT PROCEEDINGS FOR VICTIMS OF CRIME.**

(a) **IN GENERAL.**—Notwithstanding any provision of the Federal Rules of Criminal Procedure to the contrary, in order to permit victims of crime to watch criminal trial proceedings in cases where the venue of the trial is changed—

(1) out of the State in which the case was initially brought; and

(2) more than 350 miles from the location in which those proceedings originally would have taken place;

the trial court shall order closed circuit televising of the proceedings to that location, for viewing by such persons the court determines have a compelling interest in doing so and are otherwise unable to do so by reason of the inconvenience and expense caused by the change of venue.

(b) **LIMITED ACCESS.**—

(1) **GENERALLY.**—No other person, other than official court and security personnel, or other persons specifically designated by the court, shall be permitted to view the closed circuit televising of the proceedings.

(2) **EXCEPTION.**—The court shall not designate a person under paragraph (1) if the presiding judge at the trial determines that testimony by that person would be materially affected if that person heard other testimony at the trial.

(c) **RESTRICTIONS.**—

(1) The signal transmitted pursuant to subsection (a) shall be under the control of the court at all times and shall only be transmitted subject to the terms and conditions imposed by the court.

(2) No public broadcast or dissemination shall be made of the signal transmitted pursuant to subsection (a). In the event any tapes are produced in carrying out subsection (a), such tapes shall be the property of the court and kept under seal.

(3) Any violations of this subsection, or any rule or order made pursuant to this section, shall be punishable as contempt of court as described in section 402 of title 18, United States Code.

(d) **DONATIONS.**—The Administrative Office of the United States Courts may accept donations to enable the courts to carry out subsection (a).

(e) **CONSTRUCTION.**—

(1) Nothing in this section shall be construed—

(i) to create in favor of any person a cause of action against the United States or any officer or employees thereof, or

(ii) to provide any person with a defense in any action in which application of this section is made.

(f) **DEFINITION.**—As used in this section, the term “State” means any State, the District of Columbia, or any possession or territory of the United States.

(g) **RULES.**—The Judicial Conference of the United States, pursuant to its rule making authority under section 331 of title 28, United States Code, may promulgate and issue rules, or amend

existing rules, to effectuate the policy addressed by this section. Upon the implementation of such rules, this section shall cease to be effective. Termination date.

(h) **EFFECTIVE DATE.**—This section shall only apply to cases filed after January 1, 1995.

**SEC. 236. TECHNICAL CORRECTION.**

Section 1402(d)(3)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)(B)) is amended by striking “1404A” and inserting “1404(a)”.

## **TITLE III—INTERNATIONAL TERRORISM PROHIBITIONS**

### **Subtitle A—Prohibition on International Terrorist Fundraising**

**SEC. 301. FINDINGS AND PURPOSE.**

18 USC 2339B  
note.

(a) **FINDINGS.**—The Congress finds that—

(1) international terrorism is a serious and deadly problem that threatens the vital interests of the United States;

(2) the Constitution confers upon Congress the power to punish crimes against the law of nations and to carry out the treaty obligations of the United States, and therefore Congress may by law impose penalties relating to the provision of material support to foreign organizations engaged in terrorist activity;

(3) the power of the United States over immigration and naturalization permits the exclusion from the United States of persons belonging to international terrorist organizations;

(4) international terrorism affects the interstate and foreign commerce of the United States by harming international trade and market stability, and limiting international travel by United States citizens as well as foreign visitors to the United States;

(5) international cooperation is required for an effective response to terrorism, as demonstrated by the numerous multilateral conventions in force providing universal prosecutive jurisdiction over persons involved in a variety of terrorist acts, including hostage taking, murder of an internationally protected person, and aircraft piracy and sabotage;

(6) some foreign terrorist organizations, acting through affiliated groups or individuals, raise significant funds within the United States, or use the United States as a conduit for the receipt of funds raised in other nations; and

(7) foreign organizations that engage in terrorist activity are so tainted by their criminal conduct that any contribution to such an organization facilitates that conduct.

(b) **PURPOSE.**—The purpose of this subtitle is to provide the Federal Government the fullest possible basis, consistent with the Constitution, to prevent persons within the United States, or subject to the jurisdiction of the United States, from providing material support or resources to foreign organizations that engage in terrorist activities.

**SEC. 302. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.**

(a) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by adding at the end the following:

8 USC 1189.

**“SEC. 219. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.****“(a) DESIGNATION.—**

“(1) IN GENERAL.—The Secretary is authorized to designate an organization as a foreign terrorist organization in accordance with this subsection if the Secretary finds that—

“(A) the organization is a foreign organization;

“(B) the organization engages in terrorist activity (as defined in section 212(a)(3)(B)); and

“(C) the terrorist activity of the organization threatens the security of United States nationals or the national security of the United States.

**“(2) PROCEDURE.—**

“(A) NOTICE.—Seven days before making a designation under this subsection, the Secretary shall, by classified communication—

“(i) notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees, in writing, of the intent to designate a foreign organization under this subsection, together with the findings made under paragraph (1) with respect to that organization, and the factual basis therefor; and

“(ii) seven days after such notification, publish the designation in the Federal Register.

**“(B) EFFECT OF DESIGNATION.—**

“(i) For purposes of section 2339B of title 18, United States Code, a designation under this subsection shall take effect upon publication under subparagraph (A).

“(ii) Any designation under this subsection shall cease to have effect upon an Act of Congress disapproving such designation.

“(C) FREEZING OF ASSETS.—Upon notification under paragraph (2), the Secretary of the Treasury may require United States financial institutions possessing or controlling any assets of any foreign organization included in the notification to block all financial transactions involving those assets until further directive from either the Secretary of the Treasury, Act of Congress, or order of court.

**“(3) RECORD.—**

“(A) IN GENERAL.—In making a designation under this subsection, the Secretary shall create an administrative record.

“(B) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a designation under this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

**“(4) PERIOD OF DESIGNATION.—**

Federal Register,  
publication.

Termination  
date.

“(A) IN GENERAL.—Subject to paragraphs (5) and (6), a designation under this subsection shall be effective for all purposes for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B). Effective date.

“(B) REDESIGNATION.—The Secretary may redesignate a foreign organization as a foreign terrorist organization for an additional 2-year period at the end of the 2-year period referred to in subparagraph (A) (but not sooner than 60 days prior to the termination of such period) upon a finding that the relevant circumstances described in paragraph (1) still exist. The procedural requirements of paragraphs (2) and (3) shall apply to a redesignation under this subparagraph.

“(5) REVOCATION BY ACT OF CONGRESS.—The Congress, by an Act of Congress, may block or revoke a designation made under paragraph (1).

“(6) REVOCATION BASED ON CHANGE IN CIRCUMSTANCES.—

“(A) IN GENERAL.—The Secretary may revoke a designation made under paragraph (1) if the Secretary finds that—

“(i) the circumstances that were the basis for the designation have changed in such a manner as to warrant revocation of the designation; or

“(ii) the national security of the United States warrants a revocation of the designation.

“(B) PROCEDURE.—The procedural requirements of paragraphs (2) through (4) shall apply to a revocation under this paragraph.

“(7) EFFECT OF REVOCATION.—The revocation of a designation under paragraph (5) or (6) shall not affect any action or proceeding based on conduct committed prior to the effective date of such revocation.

“(8) USE OF DESIGNATION IN TRIAL OR HEARING.—If a designation under this subsection has become effective under paragraph (1)(B), a defendant in a criminal action shall not be permitted to raise any question concerning the validity of the issuance of such designation as a defense or an objection at any trial or hearing.

“(b) JUDICIAL REVIEW OF DESIGNATION.—

“(1) IN GENERAL.—Not later than 30 days after publication of the designation in the Federal Register, an organization designated as a foreign terrorist organization may seek judicial review of the designation in the United States Court of Appeals for the District of Columbia Circuit.

“(2) BASIS OF REVIEW.—Review under this subsection shall be based solely upon the administrative record, except that the Government may submit, for ex parte and in camera review, classified information used in making the designation.

“(3) SCOPE OF REVIEW.—The Court shall hold unlawful and set aside a designation the court finds to be—

“(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

“(B) contrary to constitutional right, power, privilege, or immunity; or

“(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right.

“(4) JUDICIAL REVIEW INVOKED.—The pendency of an action for judicial review of a designation shall not affect the application of this section, unless the court issues a final order setting aside the designation.

“(c) DEFINITIONS.—As used in this section—

“(1) the term ‘classified information’ has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.);

“(2) the term ‘national security’ means the national defense, foreign relations, or economic interests of the United States;

“(3) the term ‘relevant committees’ means the Committees on the Judiciary, Intelligence, and Foreign Relations of the Senate and the Committees on the Judiciary, Intelligence, and International Relations of the House of Representatives; and

“(4) the term ‘Secretary’ means the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General.”

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act, relating to terrorism, is amended by inserting after the item relating to section 218 the following new item:

“Sec. 219. Designation of foreign terrorist organizations.”

#### **SEC. 303. PROHIBITION ON TERRORIST FUNDRAISING.**

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following new section:

#### **“§ 2339B. Providing material support or resources to designated foreign terrorist organizations**

“(a) PROHIBITED ACTIVITIES.—

“(1) UNLAWFUL CONDUCT.—Whoever, within the United States or subject to the jurisdiction of the United States, knowingly provides material support or resources to a foreign terrorist organization, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 10 years, or both.

“(2) FINANCIAL INSTITUTIONS.—Except as authorized by the Secretary, any financial institution that becomes aware that it has possession of, or control over, any funds in which a foreign terrorist organization, or its agent, has an interest, shall—

“(A) retain possession of, or maintain control over, such funds; and

“(B) report to the Secretary the existence of such funds in accordance with regulations issued by the Secretary.

“(b) CIVIL PENALTY.—Any financial institution that knowingly fails to comply with subsection (a)(2) shall be subject to a civil penalty in an amount that is the greater of—

“(A) \$50,000 per violation; or

“(B) twice the amount of which the financial institution was required under subsection (a)(2) to retain possession or control.

“(c) INJUNCTION.—Whenever it appears to the Secretary or the Attorney General that any person is engaged in, or is about to engage in, any act that constitutes, or would constitute, a violation of this section, the Attorney General may initiate civil action in a district court of the United States to enjoin such violation.

Reports.  
Regulations.

“(d) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

“(e) INVESTIGATIONS.—

“(1) IN GENERAL.—The Attorney General shall conduct any investigation of a possible violation of this section, or of any license, order, or regulation issued pursuant to this section.

“(2) COORDINATION WITH THE DEPARTMENT OF THE TREASURY.—The Attorney General shall work in coordination with the Secretary in investigations relating to—

“(A) the compliance or noncompliance by a financial institution with the requirements of subsection (a)(2); and

“(B) civil penalty proceedings authorized under subsection (b).

“(3) REFERRAL.—Any evidence of a criminal violation of this section arising in the course of an investigation by the Secretary or any other Federal agency shall be referred immediately to the Attorney General for further investigation. The Attorney General shall timely notify the Secretary of any action taken on referrals from the Secretary, and may refer investigations to the Secretary for remedial licensing or civil penalty action.

“(f) CLASSIFIED INFORMATION IN CIVIL PROCEEDINGS BROUGHT BY THE UNITED STATES.—

“(1) DISCOVERY OF CLASSIFIED INFORMATION BY DEFENDANTS.—

“(A) REQUEST BY UNITED STATES.—In any civil proceeding under this section, upon request made ex parte and in writing by the United States, a court, upon a sufficient showing, may authorize the United States to—

“(i) redact specified items of classified information from documents to be introduced into evidence or made available to the defendant through discovery under the Federal Rules of Civil Procedure;

“(ii) substitute a summary of the information for such classified documents; or

“(iii) substitute a statement admitting relevant facts that the classified information would tend to prove.

“(B) ORDER GRANTING REQUEST.—If the court enters an order granting a request under this paragraph, the entire text of the documents to which the request relates shall be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal. Records.

“(C) DENIAL OF REQUEST.—If the court enters an order denying a request of the United States under this paragraph, the United States may take an immediate, interlocutory appeal in accordance with paragraph (5). For purposes of such an appeal, the entire text of the documents to which the request relates, together with any transcripts of arguments made ex parte to the court in connection therewith, shall be maintained under seal and delivered to the appellate court. Records.

“(2) INTRODUCTION OF CLASSIFIED INFORMATION; PRECAUTIONS BY COURT.—

“(A) EXHIBITS.—To prevent unnecessary or inadvertent disclosure of classified information in a civil proceeding

brought by the United States under this section, the United States may petition the court ex parte to admit, in lieu of classified writings, recordings, or photographs, one or more of the following:

“(i) Copies of items from which classified information has been redacted.

“(ii) Stipulations admitting relevant facts that specific classified information would tend to prove.

“(iii) A declassified summary of the specific classified information.

“(B) DETERMINATION BY COURT.—The court shall grant a request under this paragraph if the court finds that the redacted item, stipulation, or summary is sufficient to allow the defendant to prepare a defense.

“(3) TAKING OF TRIAL TESTIMONY.—

“(A) OBJECTION.—During the examination of a witness in any civil proceeding brought by the United States under this subsection, the United States may object to any question or line of inquiry that may require the witness to disclose classified information not previously found to be admissible.

“(B) ACTION BY COURT.—In determining whether a response is admissible, the court shall take precautions to guard against the compromise of any classified information, including—

“(i) permitting the United States to provide the court, ex parte, with a proffer of the witness's response to the question or line of inquiry; and

“(ii) requiring the defendant to provide the court with a proffer of the nature of the information that the defendant seeks to elicit.

“(C) OBLIGATION OF DEFENDANT.—In any civil proceeding under this section, it shall be the defendant's obligation to establish the relevance and materiality of any classified information sought to be introduced.

“(4) APPEAL.—If the court enters an order denying a request of the United States under this subsection, the United States may take an immediate interlocutory appeal in accordance with paragraph (5).

“(5) INTERLOCUTORY APPEAL.—

“(A) SUBJECT OF APPEAL.—An interlocutory appeal by the United States shall lie to a court of appeals from a decision or order of a district court—

“(i) authorizing the disclosure of classified information;

“(ii) imposing sanctions for nondisclosure of classified information; or

“(iii) refusing a protective order sought by the United States to prevent the disclosure of classified information.

“(B) EXPEDITED CONSIDERATION.—

“(i) IN GENERAL.—An appeal taken pursuant to this paragraph, either before or during trial, shall be expedited by the court of appeals.

“(ii) APPEALS PRIOR TO TRIAL.—If an appeal is of an order made prior to trial, an appeal shall be taken not later than 10 days after the decision or order

appealed from, and the trial shall not commence until the appeal is resolved.

“(iii) APPEALS DURING TRIAL.—If an appeal is taken during trial, the trial court shall adjourn the trial until the appeal is resolved, and the court of appeals—

“(I) shall hear argument on such appeal not later than 4 days after the adjournment of the trial;

“(II) may dispense with written briefs other than the supporting materials previously submitted to the trial court;

“(III) shall render its decision not later than 4 days after argument on appeal; and

“(IV) may dispense with the issuance of a written opinion in rendering its decision.

“(C) EFFECT OF RULING.—An interlocutory appeal and decision shall not affect the right of the defendant, in a subsequent appeal from a final judgment, to claim as error reversal by the trial court on remand of a ruling appealed from during trial.

“(6) CONSTRUCTION.—Nothing in this subsection shall prevent the United States from seeking protective orders or asserting privileges ordinarily available to the United States to protect against the disclosure of classified information, including the invocation of the military and State secrets privilege.

“(g) DEFINITIONS.—As used in this section—

“(1) the term ‘classified information’ has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.);

“(2) the term ‘financial institution’ has the same meaning as in section 5312(a)(2) of title 31, United States Code;

“(3) the term ‘funds’ includes coin or currency of the United States or any other country, traveler’s checks, personal checks, bank checks, money orders, stocks, bonds, debentures, drafts, letters of credit, any other negotiable instrument, and any electronic representation of any of the foregoing;

“(4) the term ‘material support or resources’ has the same meaning as in section 2339A;

“(5) the term ‘Secretary’ means the Secretary of the Treasury; and

“(6) the term ‘terrorist organization’ means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.”.

(b) CLERICAL AMENDMENT TO TABLE OF SECTIONS.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end the following new item:

“2339B. Providing material support or resources to designated foreign terrorist organizations.”.

(c) TECHNICAL AMENDMENT.—

(1) NEW ITEM.—Chapter 113B of title 18, United States Code, relating to torture, is redesignated as chapter 113C.

(2) TABLE OF CHAPTERS.—The table of chapters for part I of title 18, United States Code, is amended by striking “113B. Torture” and inserting “113C. Torture”.

## Subtitle B—Prohibition on Assistance to Terrorist States

### SEC. 321. FINANCIAL TRANSACTIONS WITH TERRORISTS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after the section 2332c added by section 521 of this Act the following new section:

#### “§ 2332d. Financial transactions

“(a) OFFENSE.—Except as provided in regulations issued by the Secretary of the Treasury, in consultation with the Secretary of State, whoever, being a United States person, knowing or having reasonable cause to know that a country is designated under section 6(j) of the Export Administration Act (50 U.S.C. App. 2405) as a country supporting international terrorism, engages in a financial transaction with the government of that country, shall be fined under this title, imprisoned for not more than 10 years, or both.

“(b) DEFINITIONS.—As used in this section—

“(1) the term ‘financial transaction’ has the same meaning as in section 1956(c)(4); and

“(2) the term ‘United States person’ means any—

“(A) United States citizen or national;

“(B) permanent resident alien;

“(C) juridical person organized under the laws of the United States; or

“(D) any person in the United States.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after the item added by section 521 of this Act the following new item:

“2332d. Financial transactions.”

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective 120 days after the date of enactment of this Act.

18 USC 2332d  
note.

### SEC. 322. FOREIGN AIR TRAVEL SAFETY.

Section 44906 of title 49, United States Code, is amended to read as follows:

#### “§ 44906. Foreign air carrier security programs

“The Administrator of the Federal Aviation Administration shall continue in effect the requirement of section 129.25 of title 14, Code of Federal Regulations, that a foreign air carrier must adopt and use a security program approved by the Administrator. The Administrator shall not approve a security program of a foreign air carrier under section 129.25, or any successor regulation, unless the security program requires the foreign air carrier in its operations to and from airports in the United States to adhere to the identical security measures that the Administrator requires air carriers serving the same airports to adhere to. The foregoing requirement shall not be interpreted to limit the ability of the Administrator to impose additional security measures on a foreign air carrier or an air carrier when the Administrator determines that a specific threat warrants such additional measures. The Administrator shall prescribe regulations to carry out this section.”

Regulations.

**SEC. 323. MODIFICATION OF MATERIAL SUPPORT PROVISION.**

Section 2339A of title 18, United States Code, is amended to read as follows:

**“§ 2339A. Providing material support to terrorists**

“(a) OFFENSE.—Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of section 32, 37, 81, 175, 351, 831, 842 (m) or (n), 844 (f) or (i), 956, 1114, 1116, 1203, 1361, 1362, 1363, 1366, 1751, 2155, 2156, 2280, 2281, 2332, 2332a, 2332b, or 2340A of this title or section 46502 of title 49, or in preparation for, or in carrying out, the concealment from the commission of any such violation, shall be fined under this title, imprisoned not more than 10 years, or both.

“(b) DEFINITION.—In this section, the term ‘material support or resources’ means currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.”.

**SEC. 324. FINDINGS.**

22 USC 2377  
note.

The Congress finds that—

(1) international terrorism is among the most serious transnational threats faced by the United States and its allies, far eclipsing the dangers posed by population growth or pollution;

(2) the President should continue to make efforts to counter international terrorism a national security priority;

(3) because the United Nations has been an inadequate forum for the discussion of cooperative, multilateral responses to the threat of international terrorism, the President should undertake immediate efforts to develop effective multilateral responses to international terrorism as a complement to national counter terrorist efforts;

(4) the President should use all necessary means, including covert action and military force, to disrupt, dismantle, and destroy international infrastructure used by international terrorists, including overseas terrorist training facilities and safe havens;

(5) the Congress deplores decisions to ease, evade, or end international sanctions on state sponsors of terrorism, including the recent decision by the United Nations Sanctions Committee to allow airline flights to and from Libya despite Libya's non-compliance with United Nations resolutions; and

(6) the President should continue to undertake efforts to increase the international isolation of state sponsors of international terrorism, including efforts to strengthen international sanctions, and should oppose any future initiatives to ease sanctions on Libya or other state sponsors of terrorism.

**SEC. 325. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT AID TERRORIST STATES.**

The Foreign Assistance Act of 1961 (22 U.S.C. 151 et seq.) is amended by adding immediately after section 620F the following new section:

President.  
22 USC 2377.

**“SEC. 620G. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT AID TERRORIST STATES.**

“(a) **WITHHOLDING OF ASSISTANCE.**—The President shall withhold assistance under this Act to the government of any country that provides assistance to the government of any other country for which the Secretary of State has made a determination under section 620A.

“(b) **WAIVER.**—Assistance prohibited by this section may be furnished to a foreign government described in subsection (a) if the President determines that furnishing such assistance is important to the national interests of the United States and, not later than 15 days before obligating such assistance, furnishes a report to the appropriate committees of Congress including—

- “(1) a statement of the determination;
- “(2) a detailed explanation of the assistance to be provided;
- “(3) the estimated dollar amount of the assistance; and
- “(4) an explanation of how the assistance furthers United States national interests.”.

**SEC. 326. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT PROVIDE MILITARY EQUIPMENT TO TERRORIST STATES.**

The Foreign Assistance Act of 1961 (22 U.S.C. 151 et seq.) is amended by adding immediately after section 620G the following new section:

President.  
22 USC 2378.

**“SEC. 620H. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT PROVIDE MILITARY EQUIPMENT TO TERRORIST STATES.**

“(a) **PROHIBITION.**—

“(1) **IN GENERAL.**—The President shall withhold assistance under this Act to the government of any country that provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for the purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), or 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

“(2) **APPLICABILITY.**—The prohibition under this section with respect to a foreign government shall terminate 1 year after that government ceases to provide lethal military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after the date of enactment of this Act.

“(b) **WAIVER.**—Notwithstanding any other provision of law, assistance may be furnished to a foreign government described in subsection (a) if the President determines that furnishing such assistance is important to the national interests of the United States and, not later than 15 days before obligating such assistance, furnishes a report to the appropriate committees of Congress including—

- “(1) a statement of the determination;
- “(2) a detailed explanation of the assistance to be provided;
- “(3) the estimated dollar amount of the assistance; and

“(4) an explanation of how the assistance furthers United States national interests.”.

**SEC. 327. OPPOSITION TO ASSISTANCE BY INTERNATIONAL FINANCIAL INSTITUTIONS TO TERRORIST STATES.**

The International Financial Institutions Act (22 U.S.C. 262c et seq.) is amended by inserting after section 1620 the following new section:

**“SEC. 1621. OPPOSITION TO ASSISTANCE BY INTERNATIONAL FINANCIAL INSTITUTIONS TO TERRORIST STATES.** 22 USC 262p-4q.

“(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

“(b) DEFINITION.—For purposes of this section, the term ‘international financial institution’ includes—

“(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund;

“(2) wherever applicable, the Inter-American Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund; and

“(3) any similar institution established after the date of enactment of this section.”.

**SEC. 328. ANTITERRORISM ASSISTANCE.**

22 USC  
2349aa-10.

(a) FOREIGN ASSISTANCE ACT.—Section 573 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa-2) is amended—

(1) in subsection (c), by striking “development and implementation of the antiterrorism assistance program under this chapter, including”;

(2) by amending subsection (d) to read as follows:

“(d)(1) Arms and ammunition may be provided under this chapter only if they are directly related to antiterrorism assistance.

“(2) The value (in terms of original acquisition cost) of all equipment and commodities provided under this chapter in any fiscal year shall not exceed 30 percent of the funds made available to carry out this chapter for that fiscal year.”; and

(3) by striking subsection (f).

(b) ASSISTANCE TO FOREIGN COUNTRIES TO PROCURE EXPLOSIVES DETECTION DEVICES AND OTHER COUNTERTERRORISM TECHNOLOGY.—(1) Subject to section 575(b), up to \$3,000,000 in any fiscal year may be made available—

(A) to procure explosives detection devices and other counterterrorism technology; and

(B) for joint counterterrorism research and development projects on such technology conducted with NATO and major non-NATO allies under the auspices of the Technical Support Working Group of the Department of State.

(2) As used in this subsection, the term “major non-NATO allies” means those countries designated as major non-NATO allies for purposes of section 2350a(i)(3) of title 10, United States Code.

(c) ASSISTANCE TO FOREIGN COUNTRIES.—Notwithstanding any other provision of law (except section 620A of the Foreign Assistance Act of 1961) up to \$1,000,000 in assistance may be provided to a foreign country for counterterrorism efforts in any fiscal year if—

(1) such assistance is provided for the purpose of protecting the property of the United States Government or the life and property of any United States citizen, or furthering the apprehension of any individual involved in any act of terrorism against such property or persons; and

(2) the appropriate committees of Congress are notified not later than 15 days prior to the provision of such assistance.

22 USC  
2349aa-10 note.

#### **SEC. 329. DEFINITION OF ASSISTANCE.**

For purposes of this title—

(1) the term “assistance” means assistance to or for the benefit of a government of any country that is provided by grant, concessional sale, guaranty, insurance, or by any other means on terms more favorable than generally available in the applicable market, whether in the form of a loan, lease, credit, debt relief, or otherwise, including subsidies for exports to such country and favorable tariff treatment of articles that are the growth, product, or manufacture of such country; and

(2) the term “assistance” does not include assistance of the type authorized under chapter 9 of part 1 of the Foreign Assistance Act of 1961 (relating to international disaster assistance).

#### **SEC. 330. PROHIBITION ON ASSISTANCE UNDER ARMS EXPORT CONTROL ACT FOR COUNTRIES NOT COOPERATING FULLY WITH UNITED STATES ANTITERRORISM EFFORTS.**

Chapter 3 of the Arms Export Control Act (22 U.S.C. 2771 et seq.) is amended by adding at the end the following:

“SEC. 40A. TRANSACTIONS WITH COUNTRIES NOT FULLY COOPERATING WITH UNITED STATES ANTITERRORISM EFFORTS.—

“(a) PROHIBITED TRANSACTIONS.—No defense article or defense service may be sold or licensed for export under this Act in a fiscal year to a foreign country that the President determines and certifies to Congress, by May 15 of the calendar year in which that fiscal year begins, is not cooperating fully with United States antiterrorism efforts.

“(b) WAIVER.—The President may waive the prohibition set forth in subsection (a) with respect to a specific transaction if the President determines that the transaction is important to the national interests of the United States.”.

President.  
22 USC 2781.

## **TITLE IV—TERRORIST AND CRIMINAL ALIEN REMOVAL AND EXCLUSION**

### **Subtitle A—Removal of Alien Terrorists**

#### **SEC. 401. ALIEN TERRORIST REMOVAL.**

(a) IN GENERAL.—The Immigration and Nationality Act is amended by adding at the end the following new title:

## **“TITLE V—ALIEN TERRORIST REMOVAL PROCEDURES**

### **“SEC. 501. DEFINITIONS.**

8 USC 1531.

“As used in this title—

“(1) the term ‘alien terrorist’ means any alien described in section 241(a)(4)(B);

“(2) the term ‘classified information’ has the same meaning as in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.);

“(3) the term ‘national security’ has the same meaning as in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App.);

“(4) the term ‘removal court’ means the court described in section 502;

“(5) the term ‘removal hearing’ means the hearing described in section 504; and

“(6) the term ‘removal proceeding’ means a proceeding under this title.

### **“SEC. 502. ESTABLISHMENT OF REMOVAL COURT.**

8 USC 1532.

“(a) DESIGNATION OF JUDGES.—The Chief Justice of the United States shall publicly designate 5 district court judges from 5 of the United States judicial circuits who shall constitute a court that shall have jurisdiction to conduct all removal proceedings. The Chief Justice may, in the Chief Justice’s discretion, designate the same judges under this section as are designated pursuant to section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

“(b) TERMS.—Each judge designated under subsection (a) shall serve for a term of 5 years and shall be eligible for redesignation, except that of the members first designated—

“(1) 1 member shall serve for a term of 1 year;

“(2) 1 member shall serve for a term of 2 years;

“(3) 1 member shall serve for a term of 3 years; and

“(4) 1 member shall serve for a term of 4 years.

“(c) CHIEF JUDGE.—

“(1) DESIGNATION.—The Chief Justice shall publicly designate one of the judges of the removal court to be the chief judge of the removal court.

“(2) RESPONSIBILITIES.—The chief judge shall—

“(A) promulgate rules to facilitate the functioning of the removal court; and

“(B) assign the consideration of cases to the various judges on the removal court.

“(d) EXPEDITIOUS AND CONFIDENTIAL NATURE OF PROCEEDINGS.—The provisions of section 103(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(c)) shall apply to removal proceedings in the same manner as they apply to proceedings under that Act.

### **“SEC. 503. REMOVAL COURT PROCEDURE.**

8 USC 1533.

“(a) APPLICATION.—

“(1) IN GENERAL.—In any case in which the Attorney General has classified information that an alien is an alien terrorist, the Attorney General may seek removal of the alien under

this title by filing an application with the removal court that contains—

“(A) the identity of the attorney in the Department of Justice making the application;

“(B) a certification by the Attorney General or the Deputy Attorney General that the application satisfies the criteria and requirements of this section;

“(C) the identity of the alien for whom authorization for the removal proceeding is sought; and

“(D) a statement of the facts and circumstances relied on by the Department of Justice to establish probable cause that—

“(i) the alien is an alien terrorist;

“(ii) the alien is physically present in the United States; and

“(iii) with respect to such alien, removal under title II would pose a risk to the national security of the United States.

“(2) FILING.—An application under this section shall be submitted ex parte and in camera, and shall be filed under seal with the removal court.

“(b) RIGHT TO DISMISS.—The Attorney General may dismiss a removal action under this title at any stage of the proceeding.

“(c) CONSIDERATION OF APPLICATION.—

“(1) BASIS FOR DECISION.—In determining whether to grant an application under this section, a single judge of the removal court may consider, ex parte and in camera, in addition to the information contained in the application—

“(A) other information, including classified information, presented under oath or affirmation; and

“(B) testimony received in any hearing on the application, of which a verbatim record shall be kept.

“(2) APPROVAL OF ORDER.—The judge shall issue an order granting the application, if the judge finds that there is probable cause to believe that—

“(A) the alien who is the subject of the application has been correctly identified and is an alien terrorist present in the United States; and

“(B) removal under title II would pose a risk to the national security of the United States.

“(3) DENIAL OF ORDER.—If the judge denies the order requested in the application, the judge shall prepare a written statement of the reasons for the denial, taking all necessary precautions not to disclose any classified information contained in the Government's application.

“(d) EXCLUSIVE PROVISIONS.—If an order is issued under this section granting an application, the rights of the alien regarding removal and expulsion shall be governed solely by this title, and except as they are specifically referenced in this title, no other provisions of this Act shall be applicable.

#### “SEC. 504. REMOVAL HEARING.

“(a) IN GENERAL.—

“(1) EXPEDITIOUS HEARING.—In any case in which an application for an order is approved under section 503(c)(2), a removal hearing shall be conducted under this section as expeditiously as practicable for the purpose of determining

Records.

8 USC 1534.

whether the alien to whom the order pertains should be removed from the United States on the grounds that the alien is an alien terrorist.

“(2) PUBLIC HEARING.—The removal hearing shall be open to the public.

“(b) NOTICE.—An alien who is the subject of a removal hearing under this title shall be given reasonable notice of—

“(1) the nature of the charges against the alien, including a general account of the basis for the charges; and

“(2) the time and place at which the hearing will be held.

“(c) RIGHTS IN HEARING.—

“(1) RIGHT OF COUNSEL.—The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent the alien. Such counsel shall be appointed by the judge pursuant to the plan for furnishing representation for any person financially unable to obtain adequate representation for the district in which the hearing is conducted, as provided for in section 3006A of title 18, United States Code. All provisions of that section shall apply and, for purposes of determining the maximum amount of compensation, the matter shall be treated as if a felony was charged.

“(2) INTRODUCTION OF EVIDENCE.—Subject to the limitations in subsection (e), the alien shall have a reasonable opportunity to introduce evidence on the alien's own behalf.

“(3) EXAMINATION OF WITNESSES.—Subject to the limitations in subsection (e), the alien shall have a reasonable opportunity to examine the evidence against the alien and to cross-examine any witness.

“(4) RECORD.—A verbatim record of the proceedings and of all testimony and evidence offered or produced at such a hearing shall be kept.

“(5) REMOVAL DECISION BASED ON EVIDENCE AT HEARING.—The decision of the judge regarding removal shall be based only on that evidence introduced at the removal hearing.

“(d) SUBPOENAS.—

“(1) REQUEST.—At any time prior to the conclusion of the removal hearing, either the alien or the Department of Justice may request the judge to issue a subpoena for the presence of a named witness (which subpoena may also command the person to whom it is directed to produce books, papers, documents, or other objects designated therein) upon a satisfactory showing that the presence of the witness is necessary for the determination of any material matter. Such a request may be made ex parte except that the judge shall inform the Department of Justice of any request for a subpoena by the alien for a witness or material if compliance with such a subpoena would reveal classified evidence or the source of that evidence. The Department of Justice shall be given a reasonable opportunity to oppose the issuance of such a subpoena.

“(2) PAYMENT FOR ATTENDANCE.—If an application for a subpoena by the alien also makes a showing that the alien is financially unable to pay for the attendance of a witness so requested, the court may order the costs incurred by the process and the fees of the witness so subpoenaed to be paid from funds appropriated for the enforcement of title II.

"(3) NATIONWIDE SERVICE.—A subpoena under this subsection may be served anywhere in the United States.

"(4) WITNESS FEES.—A witness subpoenaed under this subsection shall receive the same fees and expenses as a witness subpoenaed in connection with a civil proceeding in a court of the United States.

"(5) NO ACCESS TO CLASSIFIED INFORMATION.—Nothing in this subsection is intended to allow an alien to have access to classified information.

"(e) DISCOVERY.—

"(1) IN GENERAL.—For purposes of this title—

"(A) discovery of information derived pursuant to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), or otherwise collected for national security purposes, shall not be authorized if disclosure would present a risk to the national security of the United States;

"(B) an alien subject to removal under this title shall not be entitled to suppress evidence that the alien alleges was unlawfully obtained; and

"(C) section 3504 of title 18, United States Code, and section 1806(c) of title 50, United States Code, shall not apply if the Attorney General determines that public disclosure would pose a risk to the national security of the United States because it would disclose classified information or otherwise threaten the integrity of a pending investigation.

"(2) PROTECTIVE ORDERS.—Nothing in this title shall prevent the United States from seeking protective orders and from asserting privileges ordinarily available to the United States to protect against the disclosure of classified information, including the invocation of the military and State secrets privileges.

"(3) TREATMENT OF CLASSIFIED INFORMATION.—

"(A) USE.—The judge shall examine, ex parte and in camera, any evidence for which the Attorney General determines that public disclosure would pose a risk to the national security of the United States or to the security of any individual because it would disclose classified information.

"(B) SUBMISSION.—With respect to such information, the Government shall submit to the removal court an unclassified summary of the specific evidence that does not pose that risk.

"(C) APPROVAL.—Not later than 15 days after submission, the judge shall approve the summary if the judge finds that it is sufficient to enable the alien to prepare a defense. The Government shall deliver to the alien a copy of the unclassified summary approved under this subparagraph.

"(D) DISAPPROVAL.—

"(i) IN GENERAL.—If an unclassified summary is not approved by the removal court under subparagraph (C), the Government shall be afforded 15 days to correct the deficiencies identified by the court and submit a revised unclassified summary.

"(ii) REVISED SUMMARY.—If the revised unclassified summary is not approved by the court within 15 days

of its submission pursuant to subparagraph (C), the removal hearing shall be terminated.

“(f) ARGUMENTS.—Following the receipt of evidence, the Government and the alien shall be given fair opportunity to present argument as to whether the evidence is sufficient to justify the removal of the alien. The Government shall open the argument. The alien shall be permitted to reply. The Government shall then be permitted to reply in rebuttal.

“(g) BURDEN OF PROOF.—In the hearing, it is the Government’s burden to prove, by the preponderance of the evidence, that the alien is subject to removal because the alien is an alien terrorist.

“(h) RULES OF EVIDENCE.—The Federal Rules of Evidence shall not apply in a removal hearing.

“(i) DETERMINATION OF DEPORTATION.—If the judge, after considering the evidence on the record as a whole, finds that the Government has met its burden, the judge shall order the alien removed and detained pending removal from the United States. If the alien was released pending the removal hearing, the judge shall order the Attorney General to take the alien into custody.

“(j) WRITTEN ORDER.—At the time of issuing a decision as to whether the alien shall be removed, the judge shall prepare a written order containing a statement of facts found and conclusions of law.

“(k) NO RIGHT TO ANCILLARY RELIEF.—At no time shall the judge consider or provide for relief from removal based on—

“(1) asylum under section 208;

“(2) withholding of deportation under section 243(h);

“(3) suspension of deportation under subsection (a) or (e) of section 244;

“(4) adjustment of status under section 245; or

“(5) registry under section 249.

#### “SEC. 505. APPEALS.

8 USC 1535.

“(a) APPEAL OF DENIAL OF APPLICATION FOR REMOVAL PROCEEDINGS.—

“(1) IN GENERAL.—The Attorney General may seek a review of the denial of an order sought in an application filed pursuant to section 503. The appeal shall be filed in the United States Court of Appeals for the District of Columbia Circuit by notice of appeal filed not later than 20 days after the date of such denial.

“(2) RECORD ON APPEAL.—The entire record of the proceeding shall be transmitted to the Court of Appeals under seal, and the Court of Appeals shall hear the matter ex parte.

“(3) STANDARD OF REVIEW.—The Court of Appeals shall—

“(A) review questions of law de novo; and

“(B) set aside a finding of fact only if such finding was clearly erroneous.

“(b) APPEAL OF DETERMINATION REGARDING SUMMARY OF CLASSIFIED INFORMATION.—

“(1) IN GENERAL.—The United States may take an interlocutory appeal to the United States Court of Appeals for the District of Columbia Circuit of—

“(A) any determination by the judge pursuant to section 504(e)(3); or

“(B) the refusal of the court to make the findings permitted by section 504(e)(3).

"(2) RECORD.—In any interlocutory appeal taken pursuant to this subsection, the entire record, including any proposed order of the judge, any classified information and the summary of evidence, shall be transmitted to the Court of Appeals. The classified information shall be transmitted under seal. A verbatim record of such appeal shall be kept under seal in the event of any other judicial review.

"(c) APPEAL OF DECISION IN HEARING.—

"(1) IN GENERAL.—The decision of the judge after a removal hearing may be appealed by either the alien or the Attorney General to the United States Court of Appeals for the District of Columbia Circuit by notice of appeal filed not later than 20 days after the date on which the order is issued. The order shall not be enforced during the pendency of an appeal under this subsection.

"(2) TRANSMITTAL OF RECORD.—In an appeal or review to the Court of Appeals pursuant to this subsection—

"(A) the entire record shall be transmitted to the Court of Appeals; and

"(B) information received in camera and ex parte, and any portion of the order that would reveal the substance or source of such information, shall be transmitted under seal.

"(3) EXPEDITED APPELLATE PROCEEDING.—In an appeal or review to the Court of Appeals under this subsection—

"(A) the appeal or review shall be heard as expeditiously as practicable and the court may dispense with full briefing and hear the matter solely on the record of the judge of the removal court and on such briefs or motions as the court may require to be filed by the parties;

"(B) the Court of Appeals shall issue an opinion not later than 60 days after the date of the issuance of the final order of the district court;

"(C) the court shall review all questions of law de novo; and

"(D) a finding of fact shall be accorded deference by the reviewing court and shall not be set aside unless such finding was clearly erroneous.

"(d) CERTIORARI.—Following a decision by the Court of Appeals pursuant to subsection (c), the alien or the Attorney General may petition the Supreme Court for a writ of certiorari. In any such case, any information transmitted to the Court of Appeals under seal shall, if such information is also submitted to the Supreme Court, be transmitted under seal. Any order of removal shall not be stayed pending disposition of a writ of certiorari, except as provided by the Court of Appeals or a Justice of the Supreme Court.

"(e) APPEAL OF DETENTION ORDER.—

"(1) IN GENERAL.—Sections 3145 through 3148 of title 18, United States Code, pertaining to review and appeal of a release or detention order, penalties for failure to appear, penalties for an offense committed while on release, and sanctions for violation of a release condition shall apply to an alien to whom section 507(b)(1) applies. In applying the previous sentence—

"(A) for purposes of section 3145 of such title an appeal shall be taken to the United States Court of Appeals for the District of Columbia Circuit; and

“(B) for purposes of section 3146 of such title the alien shall be considered released in connection with a charge of an offense punishable by life imprisonment.

“(2) NO REVIEW OF CONTINUED DETENTION.—The determinations and actions of the Attorney General pursuant to section 507(b)(2)(C) shall not be subject to judicial review, including application for a writ of habeas corpus, except for a claim by the alien that continued detention violates the alien’s rights under the Constitution. Jurisdiction over any such challenge shall lie exclusively in the United States Court of Appeals for the District of Columbia Circuit.

**“SEC. 506. CUSTODY AND RELEASE PENDING REMOVAL HEARING.**

8 USC 1536.

“(a) UPON FILING APPLICATION.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Attorney General may—

“(A) take into custody any alien with respect to whom an application under section 503 has been filed; and

“(B) retain such an alien in custody in accordance with the procedures authorized by this title.

“(2) SPECIAL RULES FOR PERMANENT RESIDENT ALIENS.—

“(A) RELEASE HEARING.—An alien lawfully admitted for permanent residence shall be entitled to a release hearing before the judge assigned to hear the removal hearing. Such an alien shall be detained pending the removal hearing, unless the alien demonstrates to the court that the alien—

“(i) is a person lawfully admitted for permanent residence in the United States;

“(ii) if released upon such terms and conditions as the court may prescribe (including the posting of any monetary amount), is not likely to flee; and

“(iii) will not endanger national security, or the safety of any person or the community, if released.

“(B) INFORMATION CONSIDERED.—The judge may consider classified information submitted in camera and ex parte in making a determination whether to release an alien pending the removal hearing.

“(3) RELEASE IF ORDER DENIED AND NO REVIEW SOUGHT.—

“(A) IN GENERAL.—Subject to subparagraph (B), if a judge of the removal court denies the order sought in an application filed pursuant to section 503, and the Attorney General does not seek review of such denial, the alien shall be released from custody.

“(B) APPLICATION OF REGULAR PROCEDURES.—Subparagraph (A) shall not prevent the arrest and detention of the alien pursuant to title II.

“(b) CONDITIONAL RELEASE IF ORDER DENIED AND REVIEW SOUGHT.—

“(1) IN GENERAL.—If a judge of the removal court denies the order sought in an application filed pursuant to section 503 and the Attorney General seeks review of such denial, the judge shall release the alien from custody subject to the least restrictive condition, or combination of conditions, of release described in section 3142(b) and clauses (i) through (xiv) of section 3142(c)(1)(B) of title 18, United States Code, that—

“(A) will reasonably assure the appearance of the alien at any future proceeding pursuant to this title; and

“(B) will not endanger the safety of any other person or the community.

“(2) NO RELEASE FOR CERTAIN ALIENS.—If the judge finds no such condition or combination of conditions, as described in paragraph (1), the alien shall remain in custody until the completion of any appeal authorized by this title.

8 USC 1537.

**“SEC. 507. CUSTODY AND RELEASE AFTER REMOVAL HEARING.**

“(a) RELEASE.—

“(1) IN GENERAL.—Subject to paragraph (2), if the judge decides that an alien should not be removed, the alien shall be released from custody.

“(2) CUSTODY PENDING APPEAL.—If the Attorney General takes an appeal from such decision, the alien shall remain in custody, subject to the provisions of section 3142 of title 18, United States Code.

“(b) CUSTODY AND REMOVAL.—

“(1) CUSTODY.—If the judge decides that an alien shall be removed, the alien shall be detained pending the outcome of any appeal. After the conclusion of any judicial review thereof which affirms the removal order, the Attorney General shall retain the alien in custody and remove the alien to a country specified under paragraph (2).

“(2) REMOVAL.—

“(A) IN GENERAL.—The removal of an alien shall be to any country which the alien shall designate if such designation does not, in the judgment of the Attorney General, in consultation with the Secretary of State, impair the obligation of the United States under any treaty (including a treaty pertaining to extradition) or otherwise adversely affect the foreign policy of the United States.

“(B) ALTERNATE COUNTRIES.—If the alien refuses to designate a country to which the alien wishes to be removed or if the Attorney General, in consultation with the Secretary of State, determines that removal of the alien to the country so designated would impair a treaty obligation or adversely affect United States foreign policy, the Attorney General shall cause the alien to be removed to any country willing to receive such alien.

“(C) CONTINUED DETENTION.—If no country is willing to receive such an alien, the Attorney General may, notwithstanding any other provision of law, retain the alien in custody. The Attorney General, in coordination with the Secretary of State, shall make periodic efforts to reach agreement with other countries to accept such an alien and at least every 6 months shall provide to the attorney representing the alien at the removal hearing a written report on the Attorney General's efforts. Any alien in custody pursuant to this subparagraph shall be released from custody solely at the discretion of the Attorney General and subject to such conditions as the Attorney General shall deem appropriate.

“(D) FINGERPRINTING.—Before an alien is removed from the United States pursuant to this subsection, or pursuant to an order of exclusion because such alien is excludable

under section 212(a)(3)(B), the alien shall be photographed and fingerprinted, and shall be advised of the provisions of section 276(b).

“(c) CONTINUED DETENTION PENDING TRIAL.—

“(1) DELAY IN REMOVAL.—The Attorney General may hold in abeyance the removal of an alien who has been ordered removed, pursuant to this title, to allow the trial of such alien on any Federal or State criminal charge and the service of any sentence of confinement resulting from such a trial.

“(2) MAINTENANCE OF CUSTODY.—Pending the commencement of any service of a sentence of confinement by an alien described in paragraph (1), such an alien shall remain in the custody of the Attorney General, unless the Attorney General determines that temporary release of the alien to the custody of State authorities for confinement in a State facility is appropriate and would not endanger national security or public safety.

“(3) SUBSEQUENT REMOVAL.—Following the completion of a sentence of confinement by an alien described in paragraph (1), or following the completion of State criminal proceedings which do not result in a sentence of confinement of an alien released to the custody of State authorities pursuant to paragraph (2), such an alien shall be returned to the custody of the Attorney General who shall proceed to the removal of the alien under this title.

“(d) APPLICATION OF CERTAIN PROVISIONS RELATING TO ESCAPE OF PRISONERS.—For purposes of sections 751 and 752 of title 18, United States Code, an alien in the custody of the Attorney General pursuant to this title shall be subject to the penalties provided by those sections in relation to a person committed to the custody of the Attorney General by virtue of an arrest on a charge of a felony.

“(e) RIGHTS OF ALIENS IN CUSTODY.—

“(1) FAMILY AND ATTORNEY VISITS.—An alien in the custody of the Attorney General pursuant to this title shall be given reasonable opportunity, as determined by the Attorney General, to communicate with and receive visits from members of the alien's family, and to contact, retain, and communicate with an attorney.

“(2) DIPLOMATIC CONTACT.—An alien in the custody of the Attorney General pursuant to this title shall have the right to contact an appropriate diplomatic or consular official of the alien's country of citizenship or nationality or of any country providing representation services therefore. The Attorney General shall notify the appropriate embassy, mission, or consular office of the alien's detention.”

(b) JURISDICTION OVER EXCLUSION ORDERS FOR ALIEN TERRORISTS.—Section 106(b) of the Immigration and Nationality Act (8 U.S.C. 1105a(b)) is amended by adding at the end the following sentence: “Jurisdiction to review an order entered pursuant to the provisions of section 235(c) concerning an alien excludable under section 212(a)(3)(B) shall rest exclusively in the United States Court of Appeals for the District of Columbia Circuit.”

(c) CRIMINAL PENALTY FOR REENTRY OF ALIEN TERRORISTS.—Section 276(b) of such Act (8 U.S.C. 1326(b)) is amended—

(1) by striking “or” at the end of paragraph (1),

(2) by striking the period at the end of paragraph (2) and inserting “; or”, and

(3) by inserting after paragraph (2) the following new paragraph:

“(3) who has been excluded from the United States pursuant to section 235(c) because the alien was excludable under section 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and who thereafter, without the permission of the Attorney General, enters the United States, or attempts to do so, shall be fined under title 18, United States Code, and imprisoned for a period of 10 years, which sentence shall not run concurrently with any other sentence.”

(d) TABLE OF CONTENTS.—The Immigration and Nationality Act is amended by adding at the end of the table of contents the following:

“TITLE V—ALIEN TERRORIST REMOVAL PROCEDURES

“Sec. 501. Definitions.

“Sec. 502. Establishment of removal court.

“Sec. 503. Removal court procedure.

“Sec. 504. Removal hearing.

“Sec. 505. Appeals.

“Sec. 506. Custody and release pending removal hearing.

“Sec. 507. Custody and release after removal hearing.”

(e) ELIMINATION OF CUSTODY REVIEW BY HABEAS CORPUS.—Section 106(a) of the Immigration and Nationality Act (8 U.S.C. 1105a(a)) is amended—

(1) in paragraph (8), by adding “and” at the end;

(2) in paragraph (9), by striking “; and” at the end and inserting a period; and

(3) by striking paragraph (10).

8 USC 1105a  
note.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to all aliens without regard to the date of entry or attempted entry into the United States.

## Subtitle B—Exclusion of Members and Representatives of Terrorist Organizations

### SEC. 411. EXCLUSION OF ALIEN TERRORISTS.

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking “or” at the end;

(B) in subclause (II), by inserting “is engaged in or” after “believe,”; and

(C) by inserting after subclause (II) the following:

“(III) is a representative (as defined in clause (iv)) of a foreign terrorist organization, as designated by the Secretary under section 219, or

“(IV) is a member of a foreign terrorist organization, as designated by the Secretary under section 219,”; and

(2) by adding at the end the following:

“(iv) REPRESENTATIVE DEFINED.—As used in this paragraph, the term ‘representative’ includes an officer,

official, or spokesman of an organization, and any person who directs, counsels, commands, or induces an organization or its members to engage in terrorist activity.”.

**SEC. 412. WAIVER AUTHORITY CONCERNING NOTICE OF DENIAL OF APPLICATION FOR VISAS.**

Section 212(b) of the Immigration and Nationality Act (8 U.S.C. 1182(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting each new subparagraph 2 ems to the right;

(2) by striking “If” and inserting “(1) Subject to paragraphs (2) and (3), if”; and

(3) by adding at the end the following new paragraphs:

“(2) The Secretary of State may waive the requirements of paragraph (1) with respect to a particular alien or any class or classes of excludable aliens.

“(3) Paragraph (1) does not apply to any alien excludable under paragraph (2) or (3) of subsection (a).”.

**SEC. 413. DENIAL OF OTHER RELIEF FOR ALIEN TERRORISTS.**

(a) **WITHHOLDING OF DEPORTATION.**—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended by adding at the end the following new sentence: “For purposes of subparagraph (D), an alien who is described in section 241(a)(4)(B) shall be considered to be an alien for whom there are reasonable grounds for regarding as a danger to the security of the United States.”.

(b) **SUSPENSION OF DEPORTATION.**—Section 244(a) of such Act (8 U.S.C. 1254(a)) is amended by striking “section 241(a)(4)(D)” and inserting “subparagraph (B) or (D) of section 241(a)(4)”.

(c) **VOLUNTARY DEPARTURE.**—Section 244(e)(2) of such Act (8 U.S.C. 1254(e)(2)) is amended by inserting “under section 241(a)(4)(B) or” after “who is deportable”.

(d) **ADJUSTMENT OF STATUS.**—Section 245(c) of such Act (8 U.S.C. 1255(c)) is amended—

(1) by striking “or” before “(5)”, and

(2) by inserting before the period at the end the following: “, or (6) an alien who is deportable under section 241(a)(4)(B)”.

(e) **REGISTRY.**—Section 249(d) of such Act (8 U.S.C. 1259(d)) is amended by inserting “and is not deportable under section 241(a)(4)(B)” after “ineligible to citizenship”.

(f) **WAIVER.**—Section 243(h) of such Act (8 U.S.C. 1253(h)) is amended by adding at the end the following:

“(3) Notwithstanding any other provision of law, paragraph (1) shall apply to any alien if the Attorney General determines, in the discretion of the Attorney General, that—

“(A) such alien’s life or freedom would be threatened, in the country to which such alien would be deported or returned, on account of race, religion, nationality, membership in a particular social group, or political opinion; and

“(B) the application of paragraph (1) to such alien is necessary to ensure compliance with the 1967 United Nations Protocol Relating to the Status of Refugees.”.

(g) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act and

8 USC 1253 note.

shall apply to applications filed before, on, or after such date if final action has not been taken on them before such date.

**SEC. 414. EXCLUSION OF ALIENS WHO HAVE NOT BEEN INSPECTED AND ADMITTED.**

(a) **IN GENERAL.**—Section 241 of the Immigration and Nationality Act (8 U.S.C. 1251) is amended by adding at the end the following new subsection:

“(d) Notwithstanding any other provision of this title, an alien found in the United States who has not been admitted to the United States after inspection in accordance with section 235 is deemed for purposes of this Act to be seeking entry and admission to the United States and shall be subject to examination and exclusion by the Attorney General under chapter 4. In the case of such an alien the Attorney General shall provide by regulation an opportunity for the alien to establish that the alien was so admitted.”.

8 USC 1251 note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the first day of the first month beginning more than 180 days after the date of the enactment of this Act.

## Subtitle C—Modification to Asylum Procedures

**SEC. 421. DENIAL OF ASYLUM TO ALIEN TERRORISTS.**

(a) **IN GENERAL.**—Section 208(a) of the Immigration and Nationality Act (8 U.S.C. 1158(a)) is amended by adding at the end the following: “The Attorney General may not grant an alien asylum if the Attorney General determines that the alien is excludable under subclause (I), (II), or (III) of section 212(a)(3)(B)(i) or deportable under section 241(a)(4)(B), unless the Attorney General determines, in the discretion of the Attorney General, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States.”.

8 USC 1158 note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply to asylum determinations made on or after such date.

**SEC. 422. INSPECTION AND EXCLUSION BY IMMIGRATION OFFICERS.**

(a) **IN GENERAL.**—Subsection (b) of section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended to read as follows:

“(b)(1)(A) If the examining immigration officer determines that an alien seeking entry—

“(i) is excludable under section 212(a)(6)(C) or 212(a)(7), and

“(ii) does not indicate either an intention to apply for asylum under section 208 or a fear of persecution, the officer shall order the alien excluded from the United States without further hearing or review.

“(B) The examining immigration officer shall refer for an interview by an asylum officer under subparagraph (C) any alien who is excludable under section 212(a)(6)(C) or 212(a)(7) and has indicated an intention to apply for asylum under section 208 or a fear of persecution.

“(C)(i) An asylum officer shall promptly conduct interviews of aliens referred under subparagraph (B).

“(ii) If the officer determines at the time of the interview that an alien has a credible fear of persecution (as defined in clause (v)), the alien shall be detained for an asylum hearing before an asylum officer under section 208.

“(iii)(I) Subject to subclause (II), if the officer determines that the alien does not have a credible fear of persecution, the officer shall order the alien excluded from the United States without further hearing or review.

“(II) The Attorney General shall promulgate regulations to provide for the immediate review by a supervisory asylum office at the port of entry of a determination under subclause (I).

Regulations.

“(iv) The Attorney General shall provide information concerning the asylum interview described in this subparagraph to aliens who may be eligible. An alien who is eligible for such interview may consult with a person or persons of the alien's choosing prior to the interview or any review thereof, according to regulations prescribed by the Attorney General. Such consultation shall be at no expense to the Government and shall not delay the process.

“(v) For purposes of this subparagraph, the term ‘credible fear of persecution’ means (I) that it is more probable than not that the statements made by the alien in support of the alien's claim are true, and (II) that there is a significant possibility, in light of such statements and of such other facts as are known to the officer, that the alien could establish eligibility for asylum under section 208.

“(D) As used in this paragraph, the term ‘asylum officer’ means an immigration officer who—

“(i) has had professional training in country conditions, asylum law, and interview techniques; and

“(ii) is supervised by an officer who meets the condition in clause (i).

“(E)(i) An exclusion order entered in accordance with subparagraph (A) is not subject to administrative appeal, except that the Attorney General shall provide by regulation for prompt review of such an order against an alien who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been lawfully admitted for permanent residence.

“(ii) In any action brought against an alien under section 275(a) or section 276, the court shall not have jurisdiction to hear any claim attacking the validity of an order of exclusion entered under subparagraph (A).

“(2)(A) Except as provided in subparagraph (B), if the examining immigration officer determines that an alien seeking entry is not clearly and beyond a doubt entitled to enter, the alien shall be detained for a hearing before a special inquiry officer.

“(B) The provisions of subparagraph (A) shall not apply—

“(i) to an alien crewman,

“(ii) to an alien described in paragraph (1)(A) or (1)(C)(iii)(I),

or

“(iii) if the conditions described in section 273(d) exist.

“(3) The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate

to take the alien whose privilege to enter is so challenged, before a special inquiry officer for a hearing on exclusion of the alien.”.

(b) CONFORMING AMENDMENT.—Section 237(a) of such Act (8 U.S.C. 1227(a)) is amended—

(1) in the second sentence of paragraph (1), by striking “Deportation” and inserting “Subject to section 235(b)(1), deportation”, and

(2) in the first sentence of paragraph (2), by striking “If” and inserting “Subject to section 235(b)(1), if”.

8 USC 1225 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 180 days after the date of the enactment of this Act.

#### SEC. 423. JUDICIAL REVIEW.

(a) PRECLUSION OF JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(1) by amending the section heading to read as follows:

“JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION, AND SPECIAL EXCLUSION”; and

(2) by adding at the end the following new subsection:  
 “(e)(1) Notwithstanding any other provision of law, and except as provided in this subsection, no court shall have jurisdiction to review any individual determination, or to entertain any other cause or claim, arising from or relating to the implementation or operation of section 235(b)(1). Regardless of the nature of the action or claim, or the party or parties bringing the action, no court shall have jurisdiction or authority to enter declaratory, injunctive, or other equitable relief not specifically authorized in this subsection nor to certify a class under Rule 23 of the Federal Rules of Civil Procedure.

“(2) Judicial review of any cause, claim, or individual determination covered under paragraph (1) shall only be available in habeas corpus proceedings, and shall be limited to determinations of—

“(A) whether the petitioner is an alien, if the petitioner makes a showing that the petitioner’s claim of United States nationality is not frivolous;

“(B) whether the petitioner was ordered specially excluded under section 235(b)(1)(A); and

“(C) whether the petitioner can prove by a preponderance of the evidence that the petitioner is an alien lawfully admitted for permanent residence and is entitled to such review as is provided by the Attorney General pursuant to section 235(b)(1)(E)(i).

“(3) In any case where the court determines that an alien was not ordered specially excluded, or was not properly subject to special exclusion under the regulations adopted by the Attorney General, the court may order no relief beyond requiring that the alien receive a hearing in accordance with section 236, or a determination in accordance with section 235(c) or 273(d).

“(4) In determining whether an alien has been ordered specially excluded, the court’s inquiry shall be limited to whether such an order was in fact issued and whether it relates to the petitioner.”.

(b) PRECLUSION OF COLLATERAL ATTACKS.—Section 235 of such Act (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

“(d) In any action brought for the assessment of penalties for improper entry or re-entry of an alien under section 275 or section 276, no court shall have jurisdiction to hear claims collaterally attacking the validity of orders of exclusion, special exclusion, or deportation entered under this section or sections 236 and 242.”

(c) CLERICAL AMENDMENT.—The item relating to section 106 in the table of contents of such Act is amended to read as follows:

“Sec. 106. Judicial review of orders of deportation and exclusion, and special exclusion.”

## Subtitle D—Criminal Alien Procedural Improvements

### SEC. 431. ACCESS TO CERTAIN CONFIDENTIAL IMMIGRATION AND NATURALIZATION FILES THROUGH COURT ORDER.

(a) CONFIDENTIALITY OF INFORMATION.—Section 245A(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(5)) is amended—

(1) by inserting “(i)” after “except the Attorney General”; and

(2) by inserting after “Title 13” the following: “and (ii) may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may grant, an order authorizing disclosure of information contained in the application of the alien to be used—

“(I) for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated; or

“(II) for criminal law enforcement purposes against the alien whose application is to be disclosed.”

(b) APPLICATIONS FOR ADJUSTMENT OF STATUS.—Section 210(b) of the Immigration and Nationality Act (8 U.S.C. 1160(b)) is amended—

(1) in paragraph (5), by inserting “, except as allowed by a court order issued pursuant to paragraph (6) of this subsection” after “consent of the alien”; and

(2) in paragraph (6), by inserting the following sentence before “Anyone who uses”: “Notwithstanding the preceding sentence, the Attorney General may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may grant an order authorizing, disclosure of information contained in the application of the alien to be used for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated, or for criminal law enforcement purposes against the alien whose application is to be disclosed or to discover information leading to the location or identity of the alien.”

### SEC. 432. CRIMINAL ALIEN IDENTIFICATION SYSTEM.

Section 130002(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) is amended to read as follows:

8 USC 1252 note.

“(a) OPERATION AND PURPOSE.—The Commissioner of Immigration and Naturalization shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien identification system. The

criminal alien identification system shall be used to assist Federal, State, and local law enforcement agencies in identifying and locating aliens who may be subject to deportation by reason of their conviction of aggravated felonies.”

**SEC. 433. ESTABLISHING CERTAIN ALIEN SMUGGLING-RELATED CRIMES AS RICO-PREDICATE OFFENSES.**

Section 1961(1) of title 18, United States Code, is amended—

(1) by inserting “section 1028 (relating to fraud and related activity in connection with identification documents) if the act indictable under section 1028 was committed for the purpose of financial gain,” before “section 1029”;

(2) by inserting “section 1542 (relating to false statement in application and use of passport) if the act indictable under section 1542 was committed for the purpose of financial gain, section 1543 (relating to forgery or false use of passport) if the act indictable under section 1543 was committed for the purpose of financial gain, section 1544 (relating to misuse of passport) if the act indictable under section 1544 was committed for the purpose of financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) if the act indictable under section 1546 was committed for the purpose of financial gain, sections 1581–1588 (relating to peonage and slavery),” after “section 1513 (relating to retaliating against a witness, victim, or an informant);”;

(3) by striking “or” before “(E)”;

(4) by inserting before the period at the end the following: “, or (F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain”.

**SEC. 434. AUTHORITY FOR ALIEN SMUGGLING INVESTIGATIONS.**

Section 2516(1) of title 18, United States Code, is amended—

(1) by striking “and” at the end of paragraph (n),

(2) by redesignating paragraph (o) as paragraph (p), and

(3) by inserting after paragraph (n) the following new paragraph:

“(o) a felony violation of section 1028 (relating to production of false identification documents), section 1542 (relating to false statements in passport applications), section 1546 (relating to fraud and misuse of visas, permits, and other documents) of this title or a violation of section 274, 277, or 278 of the Immigration and Nationality Act (relating to the smuggling of aliens); or”.

**SEC. 435. EXPANSION OF CRITERIA FOR DEPORTATION FOR CRIMES OF MORAL TURPITUDE.**

(a) **IN GENERAL.**—Section 241(a)(2)(A)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)(i)(II)) is amended to read as follows:

“(II) is convicted of a crime for which a sentence of one year or longer may be imposed,”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to aliens against whom deportation proceedings are initiated after the date of the enactment of this Act. 8 USC 1251 note.

**SEC. 436. MISCELLANEOUS PROVISIONS.**

(a) **USE OF ELECTRONIC AND TELEPHONIC MEDIA IN DEPORTATION HEARINGS.**—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: “; except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media (with the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien”.

(b) **CODIFICATION.**—

(1) Section 242(i) of such Act (8 U.S.C. 1252(i)) is amended by adding at the end the following: “Nothing in this subsection shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.”.

(2) Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416) is amended by striking “and nothing in” and all that follows through “1252(i)”.

8 USC 1101 note.

(3) The amendments made by this subsection shall take effect as if included in the enactment of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416).

Effective date.  
8 USC 1252 note.

**SEC. 437. INTERIOR REPATRIATION PROGRAM.**

8 USC 1253 note.

Not later than 180 days after the date of enactment of this Act, the Attorney General and the Commissioner of Immigration and Naturalization shall develop and implement a program in which aliens who previously have illegally entered the United States not less than 3 times and are deported or returned to a country contiguous to the United States will be returned to locations not less than 500 kilometers from that country's border with the United States.

**SEC. 438. DEPORTATION OF NONVIOLENT OFFENDERS PRIOR TO COMPLETION OF SENTENCE OF IMPRISONMENT.**

(a) **IN GENERAL.**—Section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)) is amended to read as follows:

“(h)(1) Except as provided in paragraph (2), an alien sentenced to imprisonment may not be deported until such imprisonment has been terminated by the release of the alien from confinement. Parole, supervised release, probation, or possibility of rearrest or further confinement in respect of the same offense shall not be a ground for deferral of deportation.

“(2) The Attorney General is authorized to deport an alien in accordance with applicable procedures under this Act prior to the completion of a sentence of imprisonment—

“(A) in the case of an alien in the custody of the Attorney General, if the Attorney General determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), and (ii) such deportation of the alien is appropriate and in the best interest of the United States; or

“(B) in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), (ii) such deportation is appropriate and in the best interest of the State, and (iii) submits a written request to the Attorney General that such alien be so deported.

“(3) Any alien deported pursuant to this subsection shall be notified of the penalties under the laws of the United States relating to the reentry of deported aliens, particularly the expanded penalties for aliens deported under paragraph (2).”.

(b) REENTRY OF ALIEN DEPORTED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding at the end the following new subsection:

“(c) Any alien deported pursuant to section 242(h)(2) who enters, attempts to enter, or is at any time found in, the United States (unless the Attorney General has expressly consented to such alien’s reentry) shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release. Such alien shall be subject to such other penalties relating to the reentry of deported aliens as may be available under this section or any other provision of law.”.

8 USC 1252c.

**SEC. 439. AUTHORIZING STATE AND LOCAL LAW ENFORCEMENT OFFICIALS TO ARREST AND DETAIN CERTAIN ILLEGAL ALIENS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, to the extent permitted by relevant State and local law, State and local law enforcement officials are authorized to arrest and detain an individual who—

(1) is an alien illegally present in the United States; and

(2) has previously been convicted of a felony in the United States and deported or left the United States after such conviction,

but only after the State or local law enforcement officials obtain appropriate confirmation from the Immigration and Naturalization Service of the status of such individual and only for such period of time as may be required for the Service to take the individual into Federal custody for purposes of deporting or removing the alien from the United States.

(b) COOPERATION.—The Attorney General shall cooperate with the States to assure that information in the control of the Attorney General, including information in the National Crime Information Center, that would assist State and local law enforcement officials in carrying out duties under subsection (a) is made available to such officials.

**SEC. 440. CRIMINAL ALIEN REMOVAL.**

(a) JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a(a)(10)) is amended to read as follows:

“(10) Any final order of deportation against an alien who is deportable by reason of having committed a criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predi-

cate offenses are covered by section 241(a)(2)(A)(i), shall not be subject to review by any court.”.

(b) FINAL ORDER OF DEPORTATION DEFINED.—Section 101(a) of such Act (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraph:

“(47)(A) The term ‘order of deportation’ means the order of the special inquiry officer, or other such administrative officer to whom the Attorney General has delegated the responsibility for determining whether an alien is deportable, concluding that the alien is deportable or ordering deportation.

“(B) The order described under subparagraph (A) shall become final upon the earlier of—

“(i) a determination by the Board of Immigration Appeals affirming such order; or

“(ii) the expiration of the period in which the alien is permitted to seek review of such order by the Board of Immigration Appeals.”.

(c) ARREST AND CUSTODY.—Section 242(a)(2) of such Act is amended— 8 USC 1252.

(1) in subparagraph (A)—

(A) by striking “(2)(A) The Attorney” and inserting “(2) The Attorney”;

(B) by striking “an aggravated felony upon” and all that follows through “of the same offense” and inserting “any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i), upon release of the alien from incarceration, shall deport the alien as expeditiously as possible”; and

(C) by striking “but subject to subparagraph (B)”; and  
(2) by striking subparagraph (B).

(d) CLASSES OF EXCLUDABLE ALIENS.—Section 212(c) of such Act (8 U.S.C. 1182(c)) is amended—

(1) by striking “The first sentence of this” and inserting “This”; and

(2) by striking “has been convicted of one or more aggravated felonies” and all that follows through the end and inserting “is deportable by reason of having committed any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i).”.

(e) AGGRAVATED FELONY DEFINED.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), as amended by section 222 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416), is amended—

(1) in subparagraph (J), by inserting “, or an offense described in section 1084 (if it is a second or subsequent offense) or 1955 of that title (relating to gambling offenses),” after “corrupt organizations”;

(2) in subparagraph (K)—

(A) by striking “or” at the end of clause (i),

(B) by redesignating clause (ii) as clause (iii), and

(C) by inserting after clause (i) the following new clause:

“(ii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transpor-

tation for the purpose of prostitution) for commercial advantage; or”;

(3) by amending subparagraph (N) to read as follows:

“(N) an offense described in paragraph (1)(A) or (2) of section 274(a) (relating to alien smuggling) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;”;

(4) by amending subparagraph (O) to read as follows:

“(O) an offense (i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 18 months;”;

(5) in subparagraph (P), by striking “15 years” and inserting “5 years”, and by striking “and” at the end;

(6) by redesignating subparagraphs (O), (P), and (Q) as subparagraphs (P), (Q), and (U), respectively;

(7) by inserting after subparagraph (N) the following new subparagraph:

“(O) an offense described in section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph;” and

(8) by inserting after subparagraph (Q), as so redesignated, the following new subparagraphs:

“(R) an offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered for which a sentence of 5 years’ imprisonment or more may be imposed;

“(S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which a sentence of 5 years’ imprisonment or more may be imposed;

“(T) an offense relating to a failure to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony for which a sentence of 2 years’ imprisonment or more may be imposed; and”.

8 USC 1101 note.

(f) **EFFECTIVE DATE.**—The amendments made by subsection (e) shall apply to convictions entered on or after the date of the enactment of this Act, except that the amendment made by subsection (e)(3) shall take effect as if included in the enactment of section 222 of the Immigration and Nationality Technical Corrections Act of 1994.

(g) **DEPORTATION OF CRIMINAL ALIENS.**—Section 242A(a) of such Act (8 U.S.C. 1252a) is amended—

(1) in paragraph (1)—

(A) by striking “aggravated felonies (as defined in section 101(a)(43) of this title)” and inserting “any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i).”; and

(B) by striking “, where warranted,”;

(2) in paragraph (2), by striking “aggravated felony” and all that follows through “before any scheduled hearings.” and

inserting “any criminal offense covered in section 241(a)(2)(A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i).”.

(h) DEADLINES FOR DEPORTING ALIEN.—Section 242(c) of such Act (8 U.S.C. 1252(c)) is amended—

(1) by striking “(c) When a final order” and inserting “(c)(1) Subject to paragraph (2), when a final order”; and

(2) by inserting at the end the following new paragraph:  
 “(2) When a final order of deportation under administrative process is made against any alien who is deportable by reason of having committed a criminal offense covered in section 241(a)(2)(A)(iii), (B), (C), or (D) or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i), the Attorney General shall have 30 days from the date of the order within which to effect the alien's departure from the United States. The Attorney General shall have sole and unreviewable discretion to waive the foregoing provision for aliens who are cooperating with law enforcement authorities or for purposes of national security.”.

Waiver.

#### SEC. 441. LIMITATION ON COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.

(a) IN GENERAL.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding at the end the following new subsection:

“(d) In a criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

“(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

“(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

“(3) the entry of the order was fundamentally unfair.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to criminal proceedings initiated after the date of enactment of this Act.

8 USC 1326 note.

#### SEC. 442. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.

(a) ADMINISTRATIVE HEARINGS.—Section 242A(b) of the Immigration and Nationality Act (8 U.S.C. 1252a(b)), as added by section 130004(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (A) and inserting “or”, and

(B) by amending subparagraph (B) to read as follows:

“(B) had permanent resident status on a conditional basis (as described in section 216) at the time that proceedings under this section commenced.”;

(2) in paragraph (3), by striking “30 calendar days” and inserting “14 calendar days”;

(3) in paragraph (4)(B), by striking “proceedings” and inserting “proceedings”;

(4) in paragraph (4)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively; and

(B) by adding after subparagraph (C) the following new subparagraphs:

“(D) such proceedings are conducted in, or translated for the alien into, a language the alien understands;

“(E) a determination is made for the record at such proceedings that the individual who appears to respond in such a proceeding is an alien subject to such an expedited proceeding under this section and is, in fact, the alien named in the notice for such proceeding.”

(5) by adding at the end the following new paragraph:

“(5) No alien described in this section shall be eligible for any relief from deportation that the Attorney General may grant in the Attorney General’s discretion.”

(b) **LIMIT ON JUDICIAL REVIEW.**—Subsection (d) of section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a), as added by section 130004(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), is amended to read as follows:

“(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue.”

(c) **PRESUMPTION OF DEPORTABILITY.**—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by inserting after subsection (b) the following new subsection:

“(c) **PRESUMPTION OF DEPORTABILITY.**—An alien convicted of an aggravated felony shall be conclusively presumed to be deportable from the United States.”

(d) **EFFECTIVE DATE.**—The amendments made by this section shall become effective no later than 60 days after the publication by the Attorney General of implementing regulations that shall be published on or before January 1, 1997.

#### SEC. 443. EXTRADITION OF ALIENS.

(a) **SCOPE.**—Section 3181 of title 18, United States Code, is amended—

(1) by inserting “(a)” before “The provisions of this chapter”; and

(2) by adding at the end the following new subsections:

“(b) The provisions of this chapter shall be construed to permit, in the exercise of comity, the surrender of persons, other than citizens, nationals, or permanent residents of the United States, who have committed crimes of violence against nationals of the United States in foreign countries without regard to the existence of any treaty of extradition with such foreign government if the Attorney General certifies, in writing, that—

“(1) evidence has been presented by the foreign government that indicates that had the offenses been committed in the United States, they would constitute crimes of violence as defined under section 16 of this title; and

“(2) the offenses charged are not of a political nature.

“(c) As used in this section, the term ‘national of the United States’ has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).”

Regulations.  
Publication.  
8 USC 1105a  
note.

(b) FUGITIVES.—Section 3184 of title 18, United States Code, is amended—

(1) in the first sentence by inserting after “United States and any foreign government,” the following: “or in cases arising under section 3181(b),”;

(2) in the first sentence by inserting after “treaty or convention,” the following: “or provided for under section 3181(b),”; and

(3) in the third sentence by inserting after “treaty or convention,” the following: “or under section 3181(b),”.

## **TITLE V—NUCLEAR, BIOLOGICAL, AND CHEMICAL WEAPONS RESTRICTIONS**

### **Subtitle A—Nuclear Materials**

#### **SEC. 501. FINDINGS AND PURPOSE.**

18 USC 831 note.

(a) FINDINGS.—The Congress finds that—

(1) nuclear materials, including byproduct materials, can be used to create radioactive dispersal devices that are capable of causing serious bodily injury as well as substantial damage to property and to the environment;

(2) the potential use of nuclear materials, including byproduct materials, enhances the threat posed by terrorist activities and thereby has a greater effect on the security interests of the United States;

(3) due to the widespread hazards presented by the threat of nuclear contamination, as well as nuclear bombs, the United States has a strong interest in ensuring that persons who are engaged in the illegal acquisition and use of nuclear materials, including byproduct materials, are prosecuted for their offenses;

(4) the threat that nuclear materials will be obtained and used by terrorist and other criminal organizations has increased substantially since the enactment in 1982 of the legislation that implemented the Convention on the Physical Protection of Nuclear Material, codified at section 831 of title 18, United States Code;

(5) the successful efforts to obtain agreements from other countries to dismantle nuclear weapons have resulted in increased packaging and transportation of nuclear materials, thereby decreasing the security of such materials by increasing the opportunity for unlawful diversion and theft;

(6) the trafficking in the relatively more common, commercially available, and usable nuclear and byproduct materials creates the potential for significant loss of life and environmental damage;

(7) report trafficking incidents in the early 1990's suggest that the individuals involved in trafficking in these materials from Eurasia and Eastern Europe frequently conducted their black market sales of these materials within the Federal Republic of Germany, the Baltic States, the former Soviet Union, Central Europe, and to a lesser extent in the Middle European countries;

(8) the international community has become increasingly concerned over the illegal possession of nuclear and nuclear byproduct materials;

(9) the potentially disastrous ramifications of increased access to nuclear and nuclear byproduct materials pose such a significant threat that the United States must use all lawful methods available to combat the illegal use of such materials;

(10) the United States has an interest in encouraging United States corporations to do business in the countries that comprised the former Soviet Union, and in other developing democracies;

(11) protection of such United States corporations from threats created by the unlawful use of nuclear materials is important to the success of the effort to encourage business ventures in these countries, and to further the foreign relations and commerce of the United States;

(12) the nature of nuclear contamination is such that it may affect the health, environment, and property of United States nationals even if the acts that constitute the illegal activity occur outside the territory of the United States, and are primarily directed toward foreign nationals; and

(13) there is presently no Federal criminal statute that provides adequate protection to United States interests from nonweapons grade, yet hazardous radioactive material, and from the illegal diversion of nuclear materials that are held for other than peaceful purposes.

(b) PURPOSE.—The purpose of this title is to provide Federal law enforcement agencies with the necessary means and the maximum authority permissible under the Constitution to combat the threat of nuclear contamination and proliferation that may result from the illegal possession and use of radioactive materials.

#### SEC. 502. EXPANSION OF SCOPE AND JURISDICTIONAL BASES OF NUCLEAR MATERIALS PROHIBITIONS.

Section 831 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “nuclear material” each place it appears and inserting “nuclear material or nuclear byproduct material”;

(B) in paragraph (1)—

(i) in subparagraph (A), by inserting “or to the environment” after “property”; and

(ii) so that subparagraph (B) reads as follows:

“(B) circumstances exist, or have been represented to the defendant to exist, that are likely to cause the death or serious bodily injury to any person, or substantial damage to property or to the environment;” and

(C) in paragraph (6), by inserting “or to the environment” after “property”;

(2) in subsection (c)—

(A) so that paragraph (2) reads as follows:

“(2) an offender or a victim is—

“(A) a national of the United States; or

“(B) a United States corporation or other legal entity;”;

(B) in paragraph (3)—

- (i) by striking “at the time of the offense the nuclear material is in use, storage, or transport, for peaceful purposes, and”; and
- (ii) by striking “or” at the end of the paragraph;
- (C) in paragraph (4)—
  - (i) by striking “nuclear material for peaceful purposes” and inserting “nuclear material or nuclear byproduct material”; and
  - (ii) by striking the period at the end of the paragraph and inserting “; or”; and
- (D) by adding at the end the following new paragraph:

“(5) either—

  - “(A) the governmental entity under subsection (a)(5) is the United States; or
  - “(B) the threat under subsection (a)(6) is directed at the United States.”; and
- (3) in subsection (f)—
  - (A) in paragraph (1)—
    - (i) in subparagraph (A), by striking “with an isotopic concentration not in excess of 80 percent plutonium 238”; and
    - (ii) in subparagraph (C), by striking “uranium” and inserting “enriched uranium, defined as uranium”;
  - (B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;
  - (C) by inserting after paragraph (1) the following new paragraph:

“(2) the term ‘nuclear byproduct material’ means any material containing any radioactive isotope created through an irradiation process in the operation of a nuclear reactor or accelerator.”;
  - (D) in paragraph (4), as redesignated, by striking “and” at the end;
  - (E) in paragraph (5), as redesignated, by striking the period at the end and inserting a semicolon; and
  - (F) by adding at the end the following new paragraphs:

“(6) the term ‘national of the United States’ has the same meaning as in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

“(7) the term ‘United States corporation or other legal entity’ means any corporation or other entity organized under the laws of the United States or any State, Commonwealth, territory, possession, or district of the United States.”.

**SEC. 503. REPORT TO CONGRESS ON THEFTS OF EXPLOSIVE MATERIALS FROM ARMORIES.**

(a) **STUDY.**—The Attorney General and the Secretary of Defense shall jointly conduct a study of the number and extent of thefts from military arsenals (including National Guard armories) of firearms, explosives, and other materials that are potentially useful to terrorists.

(b) **REPORT TO THE CONGRESS.**—Not later than 6 months after the date of enactment of this Act, the Attorney General and the Secretary of Defense shall jointly prepare and transmit to the Congress a report on the findings of the study conducted under subsection (a).

## Subtitle B—Biological Weapons Restrictions

### 42 USC 262 note. SEC. 511. ENHANCED PENALTIES AND CONTROL OF BIOLOGICAL AGENTS.

(a) FINDINGS.—The Congress finds that—

(1) certain biological agents have the potential to pose a severe threat to public health and safety;

(2) such biological agents can be used as weapons by individuals or organizations for the purpose of domestic or international terrorism or for other criminal purposes;

(3) the transfer and possession of potentially hazardous biological agents should be regulated to protect public health and safety; and

(4) efforts to protect the public from exposure to such agents should ensure that individuals and groups with legitimate objectives continue to have access to such agents for clinical and research purposes.

(b) CRIMINAL ENFORCEMENT.—Chapter 10 of title 18, United States Code, is amended—

(1) in section 175(a), by inserting “or attempts, threatens, or conspires to do the same,” after “to do so,”;

(2) in section 177(a)(2), by inserting “threat,” after “attempt,”; and

(3) in section 178—

(A) in paragraph (1), by striking “or infectious substance” and inserting “infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product”;

(B) in paragraph (2)—

(i) by inserting “the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule” after “means”;

(ii) by striking “production—” and inserting “production, including—”;

(iii) in subparagraph (A), by inserting “or biological product that may be engineered as a result of biotechnology” after “substance”; and

(iv) in subparagraph (B), by inserting “or biological product” after “isomer”; and

(C) in paragraph (4), by inserting “, or molecule, including a recombinant molecule, or biological product that may be engineered as a result of biotechnology,” after “organism”.

(c) TERRORISM.—Section 2332a(a) of title 18, United States Code, is amended by inserting “, including any biological agent, toxin, or vector (as those terms are defined in section 178)” after “destruction”.

(d) REGULATORY CONTROL OF BIOLOGICAL AGENTS.—

(1) LIST OF BIOLOGICAL AGENTS.—

(A) IN GENERAL.—The Secretary shall, through regulations promulgated under subsection (f), establish and maintain a list of each biological agent that has the potential to pose a severe threat to public health and safety.

(B) CRITERIA.—In determining whether to include an agent on the list under subparagraph (A), the Secretary shall—

(i) consider—

(I) the effect on human health of exposure to the agent;

(II) the degree of contagiousness of the agent and the methods by which the agent is transferred to humans;

(III) the availability and effectiveness of immunizations to prevent and treatments for any illness resulting from infection by the agent; and

(IV) any other criteria that the Secretary considers appropriate; and

(ii) consult with scientific experts representing appropriate professional groups.

(e) REGULATION OF TRANSFERS OF LISTED BIOLOGICAL AGENTS.—The Secretary shall, through regulations promulgated under subsection (f), provide for—

(1) the establishment and enforcement of safety procedures for the transfer of biological agents listed pursuant to subsection (d)(1), including measures to ensure—

(A) proper training and appropriate skills to handle such agents; and

(B) proper laboratory facilities to contain and dispose of such agents;

(2) safeguards to prevent access to such agents for use in domestic or international terrorism or for any other criminal purpose;

(3) the establishment of procedures to protect the public safety in the event of a transfer or potential transfer of a biological agent in violation of the safety procedures established under paragraph (1) or the safeguards established under paragraph (2); and

(4) appropriate availability of biological agents for research, education, and other legitimate purposes.

(f) REGULATIONS.—The Secretary shall carry out this section by issuing—

(1) proposed rules not later than 60 days after the date of enactment of this Act; and

(2) final rules not later than 120 days after the date of enactment of this Act.

(g) DEFINITIONS.—For purposes of this section—

(1) the term “biological agent” has the same meaning as in section 178 of title 18, United States Code; and

(2) the term “Secretary” means the Secretary of Health and Human Services.

## Subtitle C—Chemical Weapons Restrictions

### SEC. 521. CHEMICAL WEAPONS OF MASS DESTRUCTION; STUDY OF FACILITY FOR TRAINING AND EVALUATION OF PERSONNEL WHO RESPOND TO USE OF CHEMICAL OR BIOLOGICAL WEAPONS IN URBAN AND SUBURBAN AREAS.

(a) CHEMICAL WEAPONS OF MASS DESTRUCTION.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after section 2332b as added by section 702 of this Act the following new section:

#### “§ 2332c. Use of chemical weapons

##### “(a) PROHIBITED ACTS.—

“(1) OFFENSE.—A person shall be punished under paragraph (2) if that person, without lawful authority, uses, or attempts or conspires to use, a chemical weapon against—

“(A) a national of the United States while such national is outside of the United States;

“(B) any person within the United States; or

“(C) any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States.

“(2) PENALTIES.—A person who violates paragraph (1)—

“(A) shall be imprisoned for any term of years or for life; or

“(B) if death results from that violation, shall be punished by death or imprisoned for any term of years or for life.

##### “(b) DEFINITIONS.—As used in this section—

“(1) the term ‘national of the United States’ has the same meaning as in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

“(2) the term ‘chemical weapon’ means any weapon that is designed or intended to cause widespread death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or precursors of toxic or poisonous chemicals.

### (b) STUDY OF FACILITY FOR TRAINING AND EVALUATION OF PERSONNEL WHO RESPOND TO USE OF CHEMICAL OR BIOLOGICAL WEAPONS IN URBAN AND SUBURBAN AREAS.—

#### (1) FINDINGS.—The Congress finds that—

(A) the threat of the use of chemical and biological weapons by Third World countries and by terrorist organizations has increased in recent years and is now a problem of worldwide significance;

(B) the military and law enforcement agencies in the United States that are responsible for responding to the use of such weapons require additional testing, training, and evaluation facilities to ensure that the personnel of such agencies discharge their responsibilities effectively; and

(C) a facility that recreates urban and suburban locations would provide an especially effective environment

in which to test, train, and evaluate such personnel for that purpose.

(2) STUDY OF FACILITY.—

(A) IN GENERAL.—The President shall establish an interagency task force to determine the feasibility and advisability of establishing a facility that recreates both an urban environment and a suburban environment in such a way as to permit the effective testing, training, and evaluation in such environments of government personnel who are responsible for responding to the use of chemical and biological weapons in the United States.

(B) DESCRIPTION OF FACILITY.—The facility considered under subparagraph (A) shall include—

(i) facilities common to urban environments (including a multistory building and an underground rail transit system) and to suburban environments;

(ii) the capacity to produce controllable releases of chemical and biological agents from a variety of urban and suburban structures, including laboratories, small buildings, and dwellings;

(iii) the capacity to produce controllable releases of chemical and biological agents into sewage, water, and air management systems common to urban areas and suburban areas;

(iv) chemical and biocontaminant facilities at the P3 and P4 levels;

(v) the capacity to test and evaluate the effectiveness of a variety of protective clothing and facilities and survival techniques in urban areas and suburban areas; and

(vi) the capacity to test and evaluate the effectiveness of variable sensor arrays (including video, audio, meteorological, chemical, and biosensor arrays) in urban areas and suburban areas.

(C) SENSE OF CONGRESS.—It is the sense of Congress that the facility considered under subparagraph (A) shall, if established—

(i) be under the jurisdiction of the Secretary of Defense; and

(ii) be located at a principal facility of the Department of Defense for the testing and evaluation of the use of chemical and biological weapons during any period of armed conflict.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after the item added by section 702 of this Act that relates to section 2332b the following new item:

“2332c. Use of chemical weapons.”.

## **TITLE VI—IMPLEMENTATION OF PLASTIC EXPLOSIVES CONVENTION**

### **SEC. 601. FINDINGS AND PURPOSES.**

18 USC 841 note.

(a) FINDINGS.—The Congress finds that—

(1) plastic explosives were used by terrorists in the bombings of Pan American Airlines flight number 103 in December 1988 and UTA flight number 722 in September 1989;

(2) plastic explosives can be used with little likelihood of detection for acts of unlawful interference with civil aviation, maritime navigation, and other modes of transportation;

(3) the criminal use of plastic explosives places innocent lives in jeopardy, endangers national security, affects domestic tranquility, and gravely affects interstate and foreign commerce;

(4) the marking of plastic explosives for the purpose of detection would contribute significantly to the prevention and punishment of such unlawful acts; and

(5) for the purpose of deterring and detecting such unlawful acts, the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991, requires each contracting State to adopt appropriate measures to ensure that plastic explosives are duly marked and controlled.

(b) PURPOSE.—The purpose of this title is to fully implement the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991.

#### SEC. 602. DEFINITIONS.

Section 841 of title 18, United States Code, is amended by adding at the end the following new subsections:

“(o) ‘Convention on the Marking of Plastic Explosives’ means the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991.

“(p) ‘Detection agent’ means any one of the substances specified in this subsection when introduced into a plastic explosive or formulated in such explosive as a part of the manufacturing process in such a manner as to achieve homogeneous distribution in the finished explosive, including—

“(1) Ethylene glycol dinitrate (EGDN),  $C_2H_4(NO_3)_2$ , molecular weight 152, when the minimum concentration in the finished explosive is 0.2 percent by mass;

“(2) 2,3-Dimethyl-2,3-dinitrobutane (DMNB),  $C_6H_{12}(NO_2)_2$ , molecular weight 176, when the minimum concentration in the finished explosive is 0.1 percent by mass;

“(3) Para-Mononitrotoluene (p-MNT),  $C_7H_7NO_2$ , molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass;

“(4) Ortho-Mononitrotoluene (o-MNT),  $C_7H_7NO_2$ , molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass; and

“(5) any other substance in the concentration specified by the Secretary, after consultation with the Secretary of State and the Secretary of Defense, that has been added to the table in part 2 of the Technical Annex to the Convention on the Marking of Plastic Explosives.

“(q) ‘Plastic explosive’ means an explosive material in flexible or elastic sheet form formulated with one or more high explosives which in their pure form has a vapor pressure less than  $10^{-4}$  Pa at a temperature of  $25^{\circ}C$ ., is formulated with a binder material, and is as a mixture malleable or flexible at normal room temperature.”

**SEC. 603. REQUIREMENT OF DETECTION AGENTS FOR PLASTIC EXPLOSIVES.**

Section 842 of title 18, United States Code, is amended by adding at the end the following new subsections:

“(1) It shall be unlawful for any person to manufacture any plastic explosive that does not contain a detection agent.

“(m)(1) It shall be unlawful for any person to import or bring into the United States, or export from the United States, any plastic explosive that does not contain a detection agent.

“(2) This subsection does not apply to the importation or bringing into the United States, or the exportation from the United States, of any plastic explosive that was imported or brought into, or manufactured in the United States prior to the date of enactment of this subsection by or on behalf of any agency of the United States performing military or police functions (including any military reserve component) or by or on behalf of the National Guard of any State, not later than 15 years after the date of entry into force of the Convention on the Marking of Plastic Explosives, with respect to the United States.

“(n)(1) It shall be unlawful for any person to ship, transport, transfer, receive, or possess any plastic explosive that does not contain a detection agent.

“(2) This subsection does not apply to—

“(A) the shipment, transportation, transfer, receipt, or possession of any plastic explosive that was imported or brought into, or manufactured in the United States prior to the date of enactment of this subsection by any person during the period beginning on that date and ending 3 years after that date of enactment; or

“(B) the shipment, transportation, transfer, receipt, or possession of any plastic explosive that was imported or brought into, or manufactured in the United States prior to the date of enactment of this subsection by or on behalf of any agency of the United States performing a military or police function (including any military reserve component) or by or on behalf of the National Guard of any State, not later than 15 years after the date of entry into force of the Convention on the Marking of Plastic Explosives, with respect to the United States.

“(o) It shall be unlawful for any person, other than an agency of the United States (including any military reserve component) or the National Guard of any State, possessing any plastic explosive on the date of enactment of this subsection, to fail to report to the Secretary within 120 days after such date of enactment the quantity of such explosives possessed, the manufacturer or importer, any marks of identification on such explosives, and such other information as the Secretary may prescribe by regulation.”.

**SEC. 604. CRIMINAL SANCTIONS.**

Section 844(a) of title 18, United States Code, is amended to read as follows:

“(a) Any person who violates any of subsections (a) through (i) or (l) through (o) of section 842 shall be fined under this title, imprisoned for not more than 10 years, or both.”.

**SEC. 605. EXCEPTIONS.**

Section 845 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “(l), (m), (n), or (o) of section 842 and subsections” after “subsections”; and

(B) in paragraph (1), by inserting before the semicolon “, and which pertain to safety”; and

(2) by adding at the end the following new subsection:

“(c) It is an affirmative defense against any proceeding involving subsections (l) through (o) of section 842 if the proponent proves by a preponderance of the evidence that the plastic explosive—

“(1) consisted of a small amount of plastic explosive intended for and utilized solely in lawful—

“(A) research, development, or testing of new or modified explosive materials;

“(B) training in explosives detection or development or testing of explosives detection equipment; or

“(C) forensic science purposes; or

“(2) was plastic explosive that, within 3 years after the date of enactment of the Antiterrorism and Effective Death Penalty Act of 1996, will be or is incorporated in a military device within the territory of the United States and remains an integral part of such military device, or is intended to be, or is incorporated in, and remains an integral part of a military device that is intended to become, or has become, the property of any agency of the United States performing military or police functions (including any military reserve component) or the National Guard of any State, wherever such device is located.

“(3) For purposes of this subsection, the term ‘military device’ includes, but is not restricted to, shells, bombs, projectiles, mines, missiles, rockets, shaped charges, grenades, perforators, and similar devices lawfully manufactured exclusively for military or police purposes.”.

#### **SEC. 606. SEIZURE AND FORFEITURE OF PLASTIC EXPLOSIVES.**

Section 596(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)(1)) is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (C), by striking the period and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(D) is a plastic explosive, as defined in section 841(q) of title 18, United States Code, which does not contain a detection agent, as defined in section 841(p) of such title.”.

#### **18 USC 841 note. SEC. 607. EFFECTIVE DATE.**

Except as otherwise provided in this title, this title and the amendments made by this title shall take effect 1 year after the date of enactment of this Act.

## TITLE VII—CRIMINAL LAW MODIFICATIONS TO COUNTER TERRORISM

### Subtitle A—Crimes and Penalties

#### SEC. 701. INCREASED PENALTY FOR CONSPIRACIES INVOLVING EXPLOSIVES.

Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(n) Except as otherwise provided in this section, a person who conspires to commit any offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense the commission of which was the object of the conspiracy.”.

#### SEC. 702. ACTS OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES.

(a) OFFENSE.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after section 2332a the following new section:

##### “§ 2332b. Acts of terrorism transcending national boundaries

“(a) PROHIBITED ACTS.—

“(1) OFFENSES.—Whoever, involving conduct transcending national boundaries and in a circumstance described in subsection (b)—

“(A) kills, kidnaps, maims, commits an assault resulting in serious bodily injury, or assaults with a dangerous weapon any person within the United States; or

“(B) creates a substantial risk of serious bodily injury to any other person by destroying or damaging any structure, conveyance, or other real or personal property within the United States or by attempting or conspiring to destroy or damage any structure, conveyance, or other real or personal property within the United States;

in violation of the laws of any State, or the United States, shall be punished as prescribed in subsection (c).

“(2) TREATMENT OF THREATS, ATTEMPTS AND CONSPIRACIES.—Whoever threatens to commit an offense under paragraph (1), or attempts or conspires to do so, shall be punished under subsection (c).

“(b) JURISDICTIONAL BASES.—

“(1) CIRCUMSTANCES.—The circumstances referred to in subsection (a) are—

“(A) any of the offenders uses the mail or any facility of interstate or foreign commerce in furtherance of the offense;

“(B) the offense obstructs, delays, or affects interstate or foreign commerce, or would have so obstructed, delayed, or affected interstate or foreign commerce if the offense had been consummated;

“(C) the victim, or intended victim, is the United States Government, a member of the uniformed services, or any official, officer, employee, or agent of the legislative, execu-

tive, or judicial branches, or of any department or agency, of the United States;

“(D) the structure, conveyance, or other real or personal property is, in whole or in part, owned, possessed, or leased to the United States, or any department or agency of the United States;

“(E) the offense is committed in the territorial sea (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) of the United States; or

“(F) the offense is committed within the special maritime and territorial jurisdiction of the United States.

“(2) CO-CONSPIRATORS AND ACCESSORIES AFTER THE FACT.—Jurisdiction shall exist over all principals and co-conspirators of an offense under this section, and accessories after the fact to any offense under this section, if at least one of the circumstances described in subparagraphs (A) through (F) of paragraph (1) is applicable to at least one offender.

“(c) PENALTIES.—

“(1) PENALTIES.—Whoever violates this section shall be punished—

“(A) for a killing, or if death results to any person from any other conduct prohibited by this section, by death, or by imprisonment for any term of years or for life;

“(B) for kidnapping, by imprisonment for any term of years or for life;

“(C) for maiming, by imprisonment for not more than 35 years;

“(D) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 30 years;

“(E) for destroying or damaging any structure, conveyance, or other real or personal property, by imprisonment for not more than 25 years;

“(F) for attempting or conspiring to commit an offense, for any term of years up to the maximum punishment that would have applied had the offense been completed; and

“(G) for threatening to commit an offense under this section, by imprisonment for not more than 10 years.

“(2) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law, the court shall not place on probation any person convicted of a violation of this section; nor shall the term of imprisonment imposed under this section run concurrently with any other term of imprisonment.

“(d) PROOF REQUIREMENTS.—The following shall apply to prosecutions under this section:

“(1) KNOWLEDGE.—The prosecution is not required to prove knowledge by any defendant of a jurisdictional base alleged in the indictment.

“(2) STATE LAW.—In a prosecution under this section that is based upon the adoption of State law, only the elements of the offense under State law, and not any provisions pertaining to criminal procedure or evidence, are adopted.

“(e) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction—

“(1) over any offense under subsection (a), including any threat, attempt, or conspiracy to commit such offense; and

“(2) over conduct which, under section 3, renders any person an accessory after the fact to an offense under subsection (a).

“(f) INVESTIGATIVE AUTHORITY.—In addition to any other investigative authority with respect to violations of this title, the Attorney General shall have primary investigative responsibility for all Federal crimes of terrorism, and the Secretary of the Treasury shall assist the Attorney General at the request of the Attorney General. Nothing in this section shall be construed to interfere with the authority of the United States Secret Service under section 3056.

“(g) DEFINITIONS.—As used in this section—

“(1) the term ‘conduct transcending national boundaries’ means conduct occurring outside of the United States in addition to the conduct occurring in the United States;

“(2) the term ‘facility of interstate or foreign commerce’ has the meaning given that term in section 1958(b)(2);

“(3) the term ‘serious bodily injury’ has the meaning given that term in section 1365(g)(3);

“(4) the term ‘territorial sea of the United States’ means all waters extending seaward to 12 nautical miles from the baselines of the United States, determined in accordance with international law; and

“(5) the term ‘Federal crime of terrorism’ means an offense that—

“(A) is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct; and

“(B) is a violation of—

“(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 (relating to biological weapons), 351 (relating to congressional, cabinet, and Supreme Court assassination, kidnapping, and assault), 831 (relating to nuclear materials), 842 (m) or (n) (relating to plastic explosives), 844(e) (relating to certain bombings), 844 (f) or (i) (relating to arson and bombing of certain property), 956 (relating to conspiracy to injure property of a foreign government), 1114 (relating to protection of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1361 (relating to injury of Government property or contracts), 1362 (relating to destruction of communication lines, stations, or systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366 (relating to destruction of an energy facility), 1751 (relating to Presidential and Presidential staff assassination, kidnapping, and assault), 2152 (relating to injury of fortifications, harbor defenses, or defensive sea areas), 2155 (relating to destruction of national defense materials, premises, or utilities),

2156 (relating to production of defective national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture);

“(ii) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284); or

“(iii) section 46502 (relating to aircraft piracy) or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after the item relating to section 2332a the following new item:

“2332b. Acts of terrorism transcending national boundaries.”

(c) STATUTE OF LIMITATIONS AMENDMENT.—Section 3286 of title 18, United States Code, is amended—

(1) by striking “any offense” and inserting “any non-capital offense”;

(2) by striking “36” and inserting “37”;

(3) by striking “2331” and inserting “2332”;

(4) by striking “2339” and inserting “2332a”; and

(5) by inserting “2332b (acts of terrorism transcending national boundaries),” after “(use of weapons of mass destruction),”.

(d) PRESUMPTIVE DETENTION.—Section 3142(e) of title 18, United States Code, is amended by inserting “, 956(a), or 2332b” after “section 924(c)”.

**SEC. 703. EXPANSION OF PROVISION RELATING TO DESTRUCTION OR INJURY OF PROPERTY WITHIN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.**

Section 1363 of title 18, United States Code, is amended by striking “any building,” and all that follows through “shipping” and inserting “any structure, conveyance, or other real or personal property”.

**SEC. 704. CONSPIRACY TO HARM PEOPLE AND PROPERTY OVERSEAS.**

(a) IN GENERAL.—Section 956 of chapter 45 of title 18, United States Code, is amended to read as follows:

**“§ 956. Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country**

“(a)(1) Whoever, within the jurisdiction of the United States, conspires with one or more other persons, regardless of where such other person or persons are located, to commit at any place outside the United States an act that would constitute the offense of murder, kidnapping, or maiming if committed in the special maritime and territorial jurisdiction of the United States shall,

if any of the conspirators commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be punished as provided in subsection (a)(2).

“(2) The punishment for an offense under subsection (a)(1) of this section is—

“(A) imprisonment for any term of years or for life if the offense is conspiracy to murder or kidnap; and

“(B) imprisonment for not more than 35 years if the offense is conspiracy to maim.

“(b) Whoever, within the jurisdiction of the United States, conspires with one or more persons, regardless of where such other person or persons are located, to damage or destroy specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal, bridge, airport, airfield, or other public utility, public conveyance, or public structure, or any religious, educational, or cultural property so situated, shall, if any of the conspirators commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be imprisoned not more than 25 years.”

(b) CLERICAL AMENDMENT.—The item relating to section 956 in the table of sections at the beginning of chapter 45 of title 18, United States Code, is amended to read as follows:

“956. Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country.”

#### **SEC. 705. INCREASED PENALTIES FOR CERTAIN TERRORISM CRIMES.**

(a) IN GENERAL.—Title 18, United States Code, is amended—

(1) in section 114, by striking “maim or disfigure” and inserting “torture (as defined in section 2340), maim, or disfigure”;

(2) in section 755, by striking “two years” and inserting “5 years”;

(3) in section 756, by striking “one year” and inserting “five years”;

(4) in section 878(a), by striking “by killing, kidnapping, or assaulting a foreign official, official guest, or internationally protected person”;

(5) in section 1113, by striking “three years” and inserting “seven years”; and

(6) in section 2332(c), by striking “five” and inserting “ten”.

(b) PENALTY FOR CARRYING WEAPONS OR EXPLOSIVES ON AN AIRCRAFT.—Section 46505 of title 49, United States Code, is amended—

(1) in subsection (b), by striking “one year” and inserting “10 years”; and

(2) in subsection (c), by striking “5” and inserting “15”.

#### **SEC. 706. MANDATORY PENALTY FOR TRANSFERRING AN EXPLOSIVE MATERIAL KNOWING THAT IT WILL BE USED TO COMMIT A CRIME OF VIOLENCE.**

Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(o) Whoever knowingly transfers any explosive materials, knowing or having reasonable cause to believe that such explosive materials will be used to commit a crime of violence (as defined in section 924(c)(3)) or drug trafficking crime (as defined in section 924(c)(2)) shall be subject to the same penalties as may be imposed

under subsection (h) for a first conviction for the use or carrying of an explosive material.”.

**SEC. 707. POSSESSION OF STOLEN EXPLOSIVES PROHIBITED.**

Section 842(h) of title 18, United States Code, is amended to read as follows:

“(h) It shall be unlawful for any person to receive, possess, transport, ship, conceal, store, barter, sell, dispose of, or pledge or accept as security for a loan, any stolen explosive materials which are moving as, which are part of, which constitute, or which have been shipped or transported in, interstate or foreign commerce, either before or after such materials were stolen, knowing or having reasonable cause to believe that the explosive materials were stolen.”.

**SEC. 708. ENHANCED PENALTIES FOR USE OF EXPLOSIVES OR ARSON CRIMES.**

(a) IN GENERAL.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (e), by striking “five” and inserting “10”;

(2) by amending subsection (f) to read as follows:

“(f)(1) Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other personal or real property in whole or in part owned or possessed by, or leased to, the United States, or any department or agency thereof, shall be imprisoned for not less than 5 years and not more than 20 years, fined under this title, or both.

“(2) Whoever engages in conduct prohibited by this subsection, and as a result of such conduct, directly or proximately causes personal injury or creates a substantial risk of injury to any person, including any public safety officer performing duties, shall be imprisoned for not less than 7 years and not more than 40 years, fined under this title, or both.

“(3) Whoever engages in conduct prohibited by this subsection, and as a result of such conduct directly or proximately causes the death of any person, including any public safety officer performing duties, shall be subject to the death penalty, or imprisoned for not less than 20 years or for life, fined under this title, or both.”;

(3) in subsection (h)—

(A) in the first sentence, by striking “5 years but not more than 15 years” and inserting “10 years”; and

(B) in the second sentence, by striking “10 years but not more than 25 years” and inserting “20 years”; and

(4) in subsection (i)—

(A) by striking “not more than 20 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed,” and inserting “not less than 5 years and not more than 20 years, fined under this title”; and

(B) by striking “not more than 40 years, fined the greater of a fine under this title or the cost of repairing or replacing any property that is damaged or destroyed,” and inserting “not less than 7 years and not more than 40 years, fined under this title”.

(b) CONFORMING AMENDMENT.—Section 81 of title 18, United States Code, is amended by striking “fined under this title or

imprisoned not more than five years, or both” and inserting “imprisoned for not more than 25 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed, or both”.

(c) STATUTE OF LIMITATION FOR ARSON OFFENSES.—

(1) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

**“§ 3295. Arson offenses**

“No person shall be prosecuted, tried, or punished for any non-capital offense under section 81 or subsection (f), (h), or (i) of section 844 unless the indictment is found or the information is instituted not later than 10 years after the date on which the offense was committed.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following new item:

“3295. Arson offenses.”.

(3) CONFORMING AMENDMENT.—Section 844(i) of title 18, United States Code, is amended by striking the last sentence.

**SEC. 709. DETERMINATION OF CONSTITUTIONALITY OF RESTRICTING THE DISSEMINATION OF BOMB-MAKING INSTRUCTIONAL MATERIALS.**

(a) STUDY.—The Attorney General, in consultation with such other officials and individuals as the Attorney General considers appropriate, shall conduct a study concerning—

(1) the extent to which there is available to the public material in any medium (including print, electronic, or film) that provides instruction on how to make bombs, destructive devices, or weapons of mass destruction;

(2) the extent to which information gained from such material has been used in incidents of domestic or international terrorism;

(3) the likelihood that such information may be used in future incidents of terrorism;

(4) the application of Federal laws in effect on the date of enactment of this Act to such material;

(5) the need and utility, if any, for additional laws relating to such material; and

(6) an assessment of the extent to which the first amendment protects such material and its private and commercial distribution.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to the Congress a report that contains the results of the study required by this section.

(2) AVAILABILITY.—The Attorney General shall make the report submitted under this subsection available to the public.

## Subtitle B—Criminal Procedures

### SEC. 721. CLARIFICATION AND EXTENSION OF CRIMINAL JURISDICTION OVER CERTAIN TERRORISM OFFENSES OVERSEAS.

(a) AIRCRAFT PIRACY.—Section 46502(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking “and later found in the United States”;

(2) so that paragraph (2) reads as follows:

“(2) There is jurisdiction over the offense in paragraph (1) if—

“(A) a national of the United States was aboard the aircraft;

“(B) an offender is a national of the United States; or

“(C) an offender is afterwards found in the United States.”;

and

(3) by inserting after paragraph (2) the following:

“(3) For purposes of this subsection, the term ‘national of the United States’ has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).”.

(b) DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.—Section 32(b) of title 18, United States Code, is amended—

(1) by striking “, if the offender is later found in the United States,”; and

(2) by inserting at the end the following: “There is jurisdiction over an offense under this subsection if a national of the United States was on board, or would have been on board, the aircraft; an offender is a national of the United States; or an offender is afterwards found in the United States. For purposes of this subsection, the term ‘national of the United States’ has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act.”.

(c) MURDER OF FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 1116 of title 18, United States Code, is amended—

(1) in subsection (b), by adding at the end the following:

“(7) ‘National of the United States’ has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).”; and

(2) in subsection (c), by striking the first sentence and inserting the following: “If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.”.

(d) PROTECTION OF FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 112 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting “‘national of the United States’,” before “and”; and

(2) in subsection (e), by striking the first sentence and inserting the following: “If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is

a national of the United States, or (3) an offender is afterwards found in the United States.”

(e) THREATS AND EXTORTION AGAINST FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 878 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting “‘national of the United States’,” before “and”; and

(2) in subsection (d), by striking the first sentence and inserting the following: “If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.”

(f) KIDNAPPING OF INTERNATIONALLY PROTECTED PERSONS.—Section 1201(e) of title 18, United States Code, is amended—

(1) by striking the first sentence and inserting the following: “If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.”; and

(2) by adding at the end the following: “For purposes of this subsection, the term ‘national of the United States’ has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).”

(g) VIOLENCE AT INTERNATIONAL AIRPORTS.—Section 37(b)(2) of title 18, United States Code, is amended—

(1) by inserting “(A)” before “the offender is later found in the United States”; and

(2) by inserting “; or (B) an offender or a victim is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)))” after “the offender is later found in the United States”.

(h) BIOLOGICAL WEAPONS.—Section 178 of title 18, United States Code, is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding the following at the end:

“(5) the term ‘national of the United States’ has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).”

#### SEC. 722. CLARIFICATION OF MARITIME VIOLENCE JURISDICTION.

Section 2280(b)(1)(A) of title 18, United States Code, is amended—

(1) in clause (ii), by striking “and the activity is not prohibited as a crime by the State in which the activity takes place”; and

(2) in clause (iii), by striking “the activity takes place on a ship flying the flag of a foreign country or outside the United States,”.

**SEC. 723. INCREASED AND ALTERNATE CONSPIRACY PENALTIES FOR TERRORISM OFFENSES.****(a) TITLE 18 OFFENSES.—**

(1) Sections 32(a)(7), 32(b)(4), 37(a), 115(a)(1)(A), 115(a)(2), 1203(a), 2280(a)(1)(H), and 2281(a)(1)(F) of title 18, United States Code, are each amended by inserting “or conspires” after “attempts”.

(2) Section 115(b)(2) of title 18, United States Code, is amended by striking “or attempted kidnapping” both places it appears and inserting “, attempted kidnapping, or conspiracy to kidnap”.

(3)(A) Section 115(b)(3) of title 18, United States Code, is amended by striking “or attempted murder” and inserting “, attempted murder, or conspiracy to murder”.

(B) Section 115(b)(3) of title 18, United States Code, is amended by striking “and 1113” and inserting “, 1113, and 1117”.

**(b) AIRCRAFT PIRACY.—**

(1) Section 46502(a)(2) of title 49, United States Code, is amended by inserting “or conspiring” after “attempting”.

(2) Section 46502(b)(1) of title 49, United States Code, is amended by inserting “or conspiring to commit” after “committing”.

**SEC. 724. CLARIFICATION OF FEDERAL JURISDICTION OVER BOMB THREATS.**

Section 844(e) of title 18, United States Code, is amended by striking “commerce,” and inserting “interstate or foreign commerce, or in or affecting interstate or foreign commerce,”.

**SEC. 725. EXPANSION AND MODIFICATION OF WEAPONS OF MASS DESTRUCTION STATUTE.**

Section 2332a of title 18, United States Code, is amended—

**(1) in subsection (a)—**

(A) in the subsection heading, by inserting “AGAINST A NATIONAL OF THE UNITED STATES OR WITHIN THE UNITED STATES” after “OFFENSE”;

(B) by striking “uses, or attempts” and inserting “, without lawful authority, uses, threatens, or attempts”; and

(C) in paragraph (2), by inserting “, and the results of such use affect interstate or foreign commerce or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce” before the semicolon at the end;

(2) in subsection (b), by striking subparagraph (B) and inserting the following:

“(B) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;”;

(3) by redesignating subsection (b) as subsection (c); and

(4) by inserting after subsection (a) the following new subsection:

“(b) OFFENSE BY NATIONAL OF THE UNITED STATES OUTSIDE OF THE UNITED STATES.—Any national of the United States who, without lawful authority, uses, or threatens, attempts, or conspires

to use, a weapon of mass destruction outside of the United States shall be imprisoned for any term of years or for life, and if death results, shall be punished by death, or by imprisonment for any term of years or for life.”.

**SEC. 726. ADDITION OF TERRORISM OFFENSES TO THE MONEY LAUNDERING STATUTE.**

Section 1956(c)(7) of title 18, United States Code, is amended—

(1) in subparagraph (B), by amending clause (ii) to read as follows:

“(ii) murder, kidnapping, robbery, extortion, or destruction of property by means of explosive or fire;”;

(2) in subparagraph (D)—

(A) by inserting after “an offense under” the following: “section 32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member),”;

(B) by inserting after “section 215 (relating to commissions or gifts for procuring loans),” the following: “section 351 (relating to congressional or Cabinet officer assassination),”;

(C) by inserting after “section 798 (relating to espionage),” the following: “section 831 (relating to prohibited transactions involving nuclear materials), section 844 (f) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce),”;

(D) by inserting after “section 875 (relating to interstate communications),” the following: “section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country),”;

(E) by inserting after “section 1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution),” the following: “section 1111 (relating to murder), section 1114 (relating to murder of United States law enforcement officials), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons),”;

(F) by inserting after “section 1203 (relating to hostage taking),” the following: “section 1361 (relating to willful injury of Government property), section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),”;

(G) by inserting after “section 1708 (relating to theft from the mail),” the following: “section 1751 (relating to Presidential assassination),”;

(H) by inserting after “2114 (relating to bank and postal robbery and theft),” the following: “section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms),”;

(I) by striking “or section 2320” and inserting “section 2320”; and

(J) by striking “of this title” and inserting the following: “, section 2332 (relating to terrorist acts abroad against

United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to international terrorist acts transcending national boundaries), or section 2339A (relating to providing material support to terrorists) of this title, section 46502 of title 49, United States Code.”.

**SEC. 727. PROTECTION OF FEDERAL EMPLOYEES; PROTECTION OF CURRENT OR FORMER OFFICIALS, OFFICERS, OR EMPLOYEES OF THE UNITED STATES.**

(a) **HOMICIDE.**—Section 1114 of title 18, United States Code, is amended to read as follows:

**“§ 1114. Protection of officers and employees of the United States**

“Whoever kills or attempts to kill any officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services) while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer or employee in the performance of such duties or on account of that assistance, shall be punished—

“(1) in the case of murder, as provided under section 1111;

“(2) in the case of manslaughter, as provided under section 1112; or

“(3) in the case of attempted murder or manslaughter, as provided in section 1113.”.

**(b) THREATS AGAINST FORMER OFFICERS AND EMPLOYEES.—**

**(1) IN GENERAL.**—Section 115(a)(2) of title 18, United States Code, is amended by inserting “, or threatens to assault, kidnap, or murder, any person who formerly served as a person designated in paragraph (1), or” after “assaults, kidnaps, or murders, or attempts to kidnap or murder”.

**(2) LIMITATION.**—Section 115 of title 18, United States Code, is amended by adding at the end the following:

“(d) This section shall not interfere with the investigative authority of the United States Secret Service, as provided under sections 3056, 871, and 879 of this title.”.

**(c) AMENDMENT TO CLARIFY THE MEANING OF THE TERM DEADLY OR DANGEROUS WEAPON IN THE PROHIBITION ON ASSAULT ON FEDERAL OFFICERS OR EMPLOYEES.**—Section 111(b) of title 18, United States Code, is amended by inserting “(including a weapon intended to cause death or danger but that fails to do so by reason of a defective component)” after “deadly or dangerous weapon”.

**SEC. 728. DEATH PENALTY AGGRAVATING FACTOR.**

Section 3592(c) of title 18, United States Code, is amended by inserting after paragraph (15) the following new paragraph:

“(16) **MULTIPLE KILLINGS OR ATTEMPTED KILLINGS.**—The defendant intentionally killed or attempted to kill more than one person in a single criminal episode.”.

**SEC. 729. DETENTION HEARING.**

Section 3142(f) of title 18, United States Code, is amended by inserting “(not including any intermediate Saturday, Sunday, or legal holiday)” after “five days” and after “three days”.

**SEC. 730. DIRECTIONS TO SENTENCING COMMISSION.**

28 USC 994 note.

The United States Sentencing Commission shall forthwith, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that section had not expired, amend the sentencing guidelines so that the chapter 3 adjustment relating to international terrorism only applies to Federal crimes of terrorism, as defined in section 2332b(g) of title 18, United States Code.

**SEC. 731. EXCLUSION OF CERTAIN TYPES OF INFORMATION FROM DEFINITIONS.**

Section 2510 of title 18, United States Code, is amended—

(1) in paragraph (12)—

(A) by striking “or” at the end of subparagraph (B);

(B) by adding “or” at the end of subparagraph (C);

and

(C) by adding at the end the following new subparagraph:

“(D) electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds;” and

(2) in paragraph (16)—

(A) by adding “or” at the end of subparagraph (D);

(B) by striking “or” at the end of subparagraph (E);

and

(C) by striking subparagraph (F).

**SEC. 732. MARKING, RENDERING INERT, AND LICENSING OF EXPLOSIVE MATERIALS.**

18 USC 841 note.

(a) STUDY.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary of the Treasury (referred to in this section as the “Secretary”) shall conduct a study of—

(A) the tagging of explosive materials for purposes of detection and identification;

(B) the feasibility and practicability of rendering common chemicals used to manufacture explosive materials inert;

(C) the feasibility and practicability of imposing controls on certain precursor chemicals used to manufacture explosive materials; and

(D) State licensing requirements for the purchase and use of commercial high explosives, including—

(i) detonators;

(ii) detonating cords;

(iii) dynamite;

(iv) water gel;

(v) emulsion;

(vi) blasting agents; and

(vii) boosters.

(2) EXCLUSION.—No study conducted under this subsection or regulation proposed under subsection (e) shall include black or smokeless powder among the explosive materials considered.

(b) CONSULTATION.—

(1) IN GENERAL.—In conducting the study under subsection (a), the Secretary shall consult with—

(A) Federal, State, and local officials with expertise in the area of chemicals used to manufacture explosive materials; and

(B) such other individuals as the Secretary determines are necessary.

(2) FERTILIZER RESEARCH CENTERS.—In conducting any portion of the study under subsection (a) relating to the regulation and use of fertilizer as a pre-explosive material, the Secretary of the Treasury shall consult with and receive input from non-profit fertilizer research centers.

(c) REPORT.—Not later than 30 days after the completion of the study conducted under subsection (a), the Secretary shall submit a report to the Congress, which shall be made public, that contains—

(1) the results of the study;

(2) any recommendations for legislation; and

(3) any opinions and findings of the fertilizer research centers.

(d) HEARINGS.—Congress shall have not less than 90 days after the submission of the report under subsection (c) to—

(1) review the results of the study; and

(2) hold hearings and receive testimony regarding the recommendations of the Secretary.

(e) REGULATIONS.—

(1) IN GENERAL.—Not later than 6 months after the submission of the report required by subsection (c), the Secretary may submit to Congress and publish in the Federal Register draft regulations for the addition of tracer elements to explosive materials manufactured in or imported into the United States, of such character and in such quantity as the Secretary may authorize or require, if the results of the study conducted under subsection (a) indicate that the tracer elements—

(A) will not pose a risk to human life or safety;

(B) will substantially assist law enforcement officers in their investigative efforts;

(C) will not substantially impair the quality of the explosive materials for their intended lawful use;

(D) will not have a substantially adverse effect on the environment; and

(E) the costs associated with the addition of the tracers will not outweigh benefits of their inclusion.

(2) EFFECTIVE DATE.—The regulations under paragraph (1) shall take effect 270 days after the Secretary submits proposed regulations to Congress pursuant to paragraph (1), except to the extent that the effective date is revised or the regulation is otherwise modified or disapproved by an Act of Congress.

Federal Register,  
publication.

## TITLE VIII—ASSISTANCE TO LAW ENFORCEMENT

### Subtitle A—Resources and Security

28 USC 509 note. SEC. 801. OVERSEAS LAW ENFORCEMENT TRAINING ACTIVITIES.

The Attorney General and the Secretary of the Treasury are authorized to support law enforcement training activities in foreign

countries, in consultation with the Secretary of State, for the purpose of improving the effectiveness of the United States in investigating and prosecuting transnational offenses.

#### SEC. 802. SENSE OF CONGRESS.

It is the sense of the Congress that, whenever practicable, each recipient of any sum authorized to be appropriated by this Act, should use the money to purchase American-made products.

#### SEC. 803. PROTECTION OF FEDERAL GOVERNMENT BUILDINGS IN THE DISTRICT OF COLUMBIA. 40 USC 137.

The Attorney General and the Secretary of the Treasury may prohibit—

(1) any vehicles from parking or standing on any street or roadway adjacent to any building in the District of Columbia used by law enforcement authorities subject to their jurisdiction, that is in whole or in part owned, possessed, or leased to the Federal Government; and

(2) any person or entity from conducting business on any property immediately adjacent to any building described in paragraph (1).

#### SEC. 804. REQUIREMENT TO PRESERVE RECORD EVIDENCE.

Section 2703 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(f) REQUIREMENT TO PRESERVE EVIDENCE.—

“(1) IN GENERAL.—A provider of wire or electronic communication services or a remote computing service, upon the request of a governmental entity, shall take all necessary steps to preserve records and other evidence in its possession pending the issuance of a court order or other process.

“(2) PERIOD OF RETENTION.—Records referred to in paragraph (1) shall be retained for a period of 90 days, which shall be extended for an additional 90-day period upon a renewed request by the governmental entity.”.

#### SEC. 805. DETERRENT AGAINST TERRORIST ACTIVITY DAMAGING A FEDERAL INTEREST COMPUTER. 28 USC 994 note.

(a) REVIEW.—Not later than 60 calendar days after the date of enactment of this Act, the United States Sentencing Commission shall review the deterrent effect of existing guideline levels as they apply to paragraphs (4) and (5) of section 1030(a) of title 18, United States Code.

(b) REPORT.—The United States Sentencing Commission shall prepare and transmit a report to the Congress on the findings under the study conducted under subsection (a).

(c) AMENDMENT OF GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the sentencing guidelines to ensure any individual convicted of a violation of paragraph (4) or (5) of section 1030(a) of title 18, United States Code, is imprisoned for not less than 6 months.

#### SEC. 806. COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT. 18 USC prec. 1 note.

(a) ESTABLISHMENT.—There is established a commission to be known as the “Commission on the Advancement of Federal Law

Enforcement" (hereinafter in this section referred to as the "Commission").

(b) DUTIES.—The Commission shall review, ascertain, evaluate, report, and recommend action to the Congress on the following matters:

(1) The Federal law enforcement priorities for the 21st century, including Federal law enforcement capability to investigate and deter adequately the threat of terrorism facing the United States.

(2) In general, the manner in which significant Federal criminal law enforcement operations are conceived, planned, coordinated, and executed.

(3) The standards and procedures used by Federal law enforcement to carry out significant Federal criminal law enforcement operations, and their uniformity and compatibility on an interagency basis, including standards related to the use of deadly force.

(4) The investigation and handling of specific Federal criminal law enforcement cases by the United States Government and the Federal law enforcement agencies therewith, selected at the Commission's discretion.

(5) The necessity for the present number of Federal law enforcement agencies and units.

(6) The location and efficacy of the office or entity directly responsible, aside from the President of the United States, for the coordination on an interagency basis of the operations, programs, and activities of all of the Federal law enforcement agencies.

(7) The degree of assistance, training, education, and other human resource management assets devoted to increasing professionalism for Federal law enforcement officers.

(8) The independent accountability mechanisms that exist, if any, and their efficacy to investigate, address, and to correct Federal law enforcement abuses.

(9) The degree of coordination among law enforcement agencies in the area of international crime and the extent to which deployment of resources overseas diminishes domestic law enforcement.

(10) The extent to which Federal law enforcement agencies coordinate with State and local law enforcement agencies on Federal criminal enforcement operations and programs that directly affect a State or local law enforcement agency's geographical jurisdiction.

(11) Such other related matters as the Commission deems appropriate.

(c) MEMBERSHIP AND ADMINISTRATIVE PROVISIONS.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 5 members appointed as follows:

(A) 1 member appointed by the President pro tempore of the Senate.

(B) 1 member appointed by the minority leader of the Senate.

(C) 1 member appointed by the Speaker of the House of Representatives.

(D) 1 member appointed by the minority leader of the House of Representatives.

(E) 1 member (who shall chair the Commission) appointed by the Chief Justice of the Supreme Court.

(2) DISQUALIFICATION.—A person who is an officer or employee of the United States shall not be appointed a member of the Commission.

(3) TERMS.—Each member shall be appointed for the life of the Commission.

(4) QUORUM.—3 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(5) MEETINGS.—The Commission shall meet at the call of the Chair of the Commission.

(6) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day, including travel time, during which the member is engaged in the performance of the duties of the Commission.

(d) STAFFING AND SUPPORT FUNCTIONS.—

(1) DIRECTOR.—The Commission shall have a director who shall be appointed by the Chair of the Commission.

(2) STAFF.—Subject to rules prescribed by the Commission, the Director may appoint additional personnel as the Commission considers appropriate.

(3) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(e) POWERS.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purposes of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it. The Commission may establish rules for its proceedings.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission, unless doing so would threaten the national security, the health or safety of any individual, or the integrity of an ongoing investigation.

(4) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this title.

(f) **REPORT.**—The Commission shall transmit a report to the Congress and the public not later than 2 years after a quorum of the Commission has been appointed. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with the Commission's recommendations for such actions as the Commission considers appropriate.

(g) **TERMINATION.**—The Commission shall terminate 30 days after submitting the report required by this section.

18 USC 470 note.

**SEC. 807. COMBATTING INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.**

(a) **IN GENERAL.**—The Secretary of the Treasury (hereafter in this section referred to as the "Secretary"), in consultation with the advanced counterfeit deterrence steering committee, shall—

(1) study the use and holding of United States currency in foreign countries; and

(2) develop useful estimates of the amount of counterfeit United States currency that circulates outside the United States each year.

(b) **EVALUATION AUDIT PLAN.**—

(1) **IN GENERAL.**—The Secretary shall develop an effective international evaluation audit plan that is designed to enable the Secretary to carry out the duties described in subsection (a) on a regular and thorough basis.

(2) **SUBMISSION OF DETAILED WRITTEN SUMMARY.**—The Secretary shall submit a detailed written summary of the evaluation audit plan developed pursuant to paragraph (1) to the Congress before the end of the 6-month period beginning on the date of the enactment of this Act.

(3) **FIRST EVALUATION AUDIT UNDER PLAN.**—The Secretary shall begin the first evaluation audit pursuant to the evaluation audit plan no later than the end of the 1-year period beginning on the date of the enactment of this Act.

(4) **SUBSEQUENT EVALUATION AUDITS.**—At least 1 evaluation audit shall be performed pursuant to the evaluation audit plan during each 3-year period beginning after the date of the commencement of the evaluation audit referred to in paragraph (3).

(c) **REPORTS.**—

(1) **IN GENERAL.**—The Secretary shall submit a written report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the results of each evaluation audit conducted pursuant to subsection (b) within 90 days after the completion of the evaluation audit.

(2) **CONTENTS.**—In addition to such other information as the Secretary may determine to be appropriate, each report submitted to the Congress pursuant to paragraph (1) shall include the following information:

(A) A detailed description of the evaluation audit process and the methods used to develop estimates of the amount of counterfeit United States currency in circulation outside the United States.

(B) The method used to determine the currency sample examined in connection with the evaluation audit and a statistical analysis of the sample examined.

(C) A list of the regions of the world, types of financial institutions, and other entities included.

(D) An estimate of the total amount of United States currency found in each region of the world.

(E) The total amount of counterfeit United States currency and the total quantity of each counterfeit denomination found in each region of the world.

(3) CLASSIFICATION OF INFORMATION.—

(A) IN GENERAL.—To the greatest extent possible, each report submitted to the Congress under this subsection shall be submitted in an unclassified form.

(B) CLASSIFIED AND UNCLASSIFIED FORMS.—If, in the interest of submitting a complete report under this subsection, the Secretary determines that it is necessary to include classified information in the report, the report shall be submitted in a classified and an unclassified form.

(d) SUNSET PROVISION.—This section shall cease to be effective as of the end of the 10-year period beginning on the date of the enactment of this Act.

(e) RULE OF CONSTRUCTION.—No provision of this section shall be construed as authorizing any entity to conduct investigations of counterfeit United States currency.

(f) FINDINGS.—The Congress hereby finds the following:

(1) United States currency is being counterfeited outside the United States.

(2) The One Hundred Third Congress enacted, with the approval of the President on September 13, 1994, section 470 of title 18, United States Code, making such activity a crime under the laws of the United States.

(3) The expeditious posting of agents of the United States Secret Service to overseas posts, which is necessary for the effective enforcement of section 470 and related criminal provisions, has been delayed.

(4) While section 470 of title 18, United States Code, provides for a maximum term of imprisonment of 20 years as opposed to a maximum term of 15 years for domestic counterfeiting, the United States Sentencing Commission has failed to provide, in its sentencing guidelines, for an appropriate enhancement of punishment for defendants convicted of counterfeiting United States currency outside the United States.

(g) TIMELY CONSIDERATION OF REQUESTS FOR CONCURRENCE IN CREATION OF OVERSEAS POSTS.—

(1) IN GENERAL.—The Secretary of State shall—

(A) consider in a timely manner the request by the Secretary of the Treasury for the placement of such number of agents of the United States Secret Service as the Secretary of the Treasury considers appropriate in posts in overseas embassies; and

(B) reach an agreement with the Secretary of the Treasury on such posts as soon as possible and, in any event, not later than December 31, 1996.

(2) COOPERATION OF TREASURY REQUIRED.—The Secretary of the Treasury shall promptly provide any information requested by the Secretary of State in connection with such requests.

(3) **REPORTS REQUIRED.**—The Secretary of the Treasury and the Secretary of State shall each submit, by February 1, 1997, a written report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate explaining the reasons for the rejection, if any, of any proposed post and the reasons for the failure, if any, to fill any approved post by such date.

(h) **ENHANCED PENALTIES FOR INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.**—Pursuant to the authority of the United States Sentencing Commission under section 994 of title 28, United States Code, the Commission shall amend the sentencing guidelines prescribed by the Commission to provide an appropriate enhancement of the punishment for a defendant convicted under section 470 of title 18 of such Code.

28 USC 534 note.

**SEC. 808. COMPILATION OF STATISTICS RELATING TO INTIMIDATION OF GOVERNMENT EMPLOYEES.**

(a) **FINDINGS.**—The Congress finds that—

(1) threats of violence and acts of violence against Federal, State, and local government employees and their families are increasing as the result of attempts to stop public servants from performing their lawful duties;

(2) these acts are a danger to the constitutional form of government of the United States; and

(3) more information is needed relating to the extent and nature of the danger to these employees and their families so that actions can be taken to protect public servants at all levels of government in the performance of their duties.

(b) **STATISTICS.**—The Attorney General shall collect data, for the calendar year 1990 and each succeeding calendar year thereafter, relating to crimes and incidents of threats of violence and acts of violence against Federal, State, and local government employees and their families in the performance of their lawful duties. Such data shall include—

(1) in the case of crimes against such employees and their families, the nature of the crime; and

(2) in the case of incidents of threats of violence and acts of violence, including verbal and implicit threats against such employees and their families, the deterrent effect on the performance of their jobs.

(c) **GUIDELINES.**—The Attorney General shall establish guidelines for the collection of the data under subsection (b), including a definition of the sufficiency of evidence of noncriminal incidents required to be reported.

(d) **USE OF DATA.**—

(1) **ANNUAL PUBLISHING.**—The Attorney General shall publish an annual summary of the data collected under this section.

(2) **USE OF DATA.**—Except with respect to the summary published under paragraph (1), data collected under this section shall be used only for research and statistical purposes.

(e) **EXEMPTION.**—The Attorney General, the Secretary of State, and the United States Secret Service is not required to participate in any statistical reporting activity under this section with respect to any direct or indirect threat made against any individual for whom that official or Service is authorized to provide protection.

**SEC. 809. ASSESSING AND REDUCING THE THREAT TO LAW ENFORCEMENT OFFICERS FROM THE CRIMINAL USE OF FIREARMS AND AMMUNITION.**42 USC 3721  
note.

(a) The Secretary of the Treasury, in conjunction with the Attorney General, shall conduct a study and make recommendations concerning—

(1) the extent and nature of the deaths and serious injuries, in the line of duty during the last decade, for law enforcement officers, including—

(A) those officers who were feloniously killed or seriously injured and those that died or were seriously injured as a result of accidents or other non-felonious causes;

(B) those officers feloniously killed or seriously injured with firearms, those killed or seriously injured with, separately, handguns firing handgun caliber ammunition, handguns firing rifle caliber ammunition, rifles firing rifle caliber ammunition, rifles firing handgun caliber ammunition and shotguns;

(C) those officers feloniously killed or seriously injured with firearms, and killings or serious injuries committed with firearms taken by officers' assailants from officers, and those committed with other officers' firearms; and

(D) those killed or seriously injured because shots attributable to projectiles defined as "armor piercing ammunition" under section 921(a)(17)(B) (i) and (ii) of title 18, United States Code, pierced the protective material of bullet resistant vests and bullet resistant headgear;

(2) whether current passive defensive strategies, such as body armor, are adequate to counter the criminal use of firearms against law officers; and

(3) the calibers of ammunition that are—

(A) sold in the greatest quantities;

(B) their common uses, according to consultations with industry, sporting organizations and law enforcement;

(C) the calibers commonly used for civilian defensive or sporting uses that would be affected by any prohibition on non-law enforcement sales of such ammunition, if such ammunition is capable of penetrating minimum level bullet resistant vests; and

(D) recommendations for increase in body armor capabilities to further protect law enforcement from threat.

(b) In conducting the study, the Secretary shall consult with other Federal, State and local officials, non-governmental organizations, including all national police organizations, national sporting organizations and national industry associations with expertise in this area and such other individuals as shall be deemed necessary. Such study shall be presented to Congress twelve months after the enactment of this Act and made available to the public, including any data tapes or data used to form such recommendations.

(c) There are authorized to be appropriated for the study and recommendations such sums as may be necessary.

Appropriation  
authorization.**SEC. 810. STUDY AND REPORT ON ELECTRONIC SURVEILLANCE.**

(a) **STUDY.**—The Attorney General and the Director of the Federal Bureau of Investigation shall study all applicable laws and guidelines relating to electronic surveillance and the use of pen registers and other trap and trace devices.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report to the Congress that includes—

(1) the findings of the study conducted pursuant to subsection (a);

(2) recommendations for the use of electronic devices in conducting surveillance of terrorist or other criminal organizations, and for any modifications in the law necessary to enable the Federal Government to fulfill its law enforcement responsibilities within appropriate constitutional parameters;

(3) a summary of instances in which Federal law enforcement authorities may have abused electronic surveillance powers and recommendations, if needed, for constitutional safeguards relating to the use of such powers; and

(4) a summary of efforts to use current wiretap authority, including detailed examples of situations in which expanded authority would have enabled law enforcement authorities to fulfill their responsibilities.

## **Subtitle B—Funding Authorizations for Law Enforcement**

### **28 USC 531 note. SEC. 811. FEDERAL BUREAU OF INVESTIGATION.**

(a) IN GENERAL.—With funds made available pursuant to subsection (c)—

(1) the Attorney General shall—

(A) provide support and enhance the technical support center and tactical operations of the Federal Bureau of Investigation;

(B) create a Federal Bureau of Investigation counterterrorism and counterintelligence fund for costs associated with the investigation of cases involving cases of terrorism;

(C) expand and improve the instructional, operational support, and construction of the Federal Bureau of Investigation Academy;

(D) construct a Federal Bureau of Investigation laboratory, provide laboratory examination support, and provide for a command center;

(E) make grants to States to carry out the activities described in subsection (b); and

(F) increase personnel to support counterterrorism activities; and

(2) the Director of the Federal Bureau of Investigation may expand the combined DNA Identification System (CODIS) to include Federal crimes and crimes committed in the District of Columbia.

(b) STATE GRANTS.—

(1) AUTHORIZATION.—The Attorney General, in consultation with the Director of the Federal Bureau of Investigation, may make grants to each State eligible under paragraph (2) to be used by the chief executive officer of the State, in conjunction with units of local government, other States, or any combination thereof, to carry out all or part of a program to establish, develop, update, or upgrade—

(A) computerized identification systems that are compatible and integrated with the databases of the National Crime Information Center of the Federal Bureau of Investigation;

(B) the capability to analyze deoxyribonucleic acid (DNA) in a forensic laboratory in ways that are compatible and integrated with the combined DNA Identification System (CODIS) of the Federal Bureau of Investigation; and

(C) automated fingerprint identification systems that are compatible and integrated with the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation.

(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, a State shall require that each person convicted of a felony of a sexual nature shall provide to appropriate State law enforcement officials, as designated by the chief executive officer of the State, a sample of blood, saliva, or other specimen necessary to conduct a DNA analysis consistent with the standards established for DNA testing by the Director of the Federal Bureau of Investigation.

(3) INTERSTATE COMPACTS.—A State may enter into a compact or compacts with another State or States to carry out this subsection.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for the activities of the Federal Bureau of Investigation, to help meet the increased demands for activities to combat terrorism—

(A) \$114,000,000 for fiscal year 1997;

(B) \$166,000,000 for fiscal year 1998;

(C) \$96,000,000 for fiscal year 1999; and

(D) \$92,000,000 for fiscal year 2000.

(2) AVAILABILITY OF FUNDS.—Funds made available pursuant to paragraph (1), in any fiscal year, shall remain available until expended.

(3) ALLOCATION.—

(A) IN GENERAL.—Of the total amount appropriated to carry out subsection (b) in a fiscal year—

(i) the greater of 0.25 percent of such amount or \$500,000 shall be allocated to each eligible State; and

(ii) of the total funds remaining after the allocation under clause (i), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of such State bears to the population of all States.

(B) DEFINITION.—For purposes of this paragraph, the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, except that for purposes of the allocation under this subparagraph, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one State and that for these purposes, 67 percent of the amounts allocated

shall be allocated to American Samoa, and 33 percent to the Commonwealth of the Northern Mariana Islands.

**SEC. 812. UNITED STATES CUSTOMS SERVICE.**

(a) **IN GENERAL.**—There are authorized to be appropriated for the activities of the United States Customs Service, to help meet the increased needs of the United States Customs Service—

- (1) \$8,000,000 for fiscal year 1997;
- (2) \$8,000,000 for fiscal year 1998;
- (3) \$8,000,000 for fiscal year 1999; and
- (4) \$7,000,000 for fiscal year 2000.

(b) **AVAILABILITY OF FUNDS.**—Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

**SEC. 813. IMMIGRATION AND NATURALIZATION SERVICE.**

(a) **IN GENERAL.**—There are authorized to be appropriated for the activities of the Immigration and Naturalization Service, to help meet the increased needs of the Immigration and Naturalization Service, including the detention and removal of alien terrorists, \$5,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.

(b) **AVAILABILITY OF FUNDS.**—Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

**SEC. 814. DRUG ENFORCEMENT ADMINISTRATION.**

(a) **ACTIVITIES OF DRUG ENFORCEMENT ADMINISTRATION.**—The Attorney General shall use funds made available pursuant to subsection (b) to—

- (1) fund antiviolenence crime initiatives;
- (2) fund initiatives to address major violators of Federal antidrug statutes; and
- (3) enhance or replace infrastructure of the Drug Enforcement Administration.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Drug Enforcement Administration, to help meet the increased needs of the Drug Enforcement Administration—

- (1) \$35,000,000 for fiscal year 1997;
- (2) \$40,000,000 for fiscal year 1998;
- (3) \$45,000,000 for fiscal year 1999; and
- (4) \$52,000,000 for fiscal year 2000.

(c) **AVAILABILITY OF FUNDS.**—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

**SEC. 815. DEPARTMENT OF JUSTICE.**

(a) **IN GENERAL.**—The Attorney General shall use funds made available pursuant to subsection (b) to—

- (1) hire additional Assistant United States Attorneys and attorneys within the Criminal Division of the Department of Justice; and
- (2) provide for increased security at courthouses and other facilities in which Federal workers are employed.

(b) **AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

- (1) \$10,000,000 for fiscal year 1997;
- (2) \$10,000,000 for fiscal year 1998;

(3) \$10,000,000 for fiscal year 1999; and

(4) \$11,000,000 for fiscal year 2000.

(c) AVAILABILITY OF FUNDS.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

(d) EXEMPTION AUTHORITY.—Notwithstanding any other provision of law, section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993 (Public Law 102-395), shall remain in effect until specifically repealed, subject to any limitation on appropriations contained in any Department of Justice Appropriation Authorization Act.

28 USC 533 note.

(e) GENERAL REWARD AUTHORITY OF THE ATTORNEY GENERAL.—

(1) IN GENERAL.—Chapter 203 of title 18, United States Code, is amended by adding immediately after section 3059A the following section:

**“§ 3059B. General reward authority**

“(a) Notwithstanding any other provision of law, the Attorney General may pay rewards and receive from any department or agency funds for the payment of rewards under this section to any individual who assists the Department of Justice in performing its functions.

“(b) Not later than 30 days after authorizing a reward under this section that exceeds \$100,000, the Attorney General shall give notice to the respective chairmen of the Committees on Appropriations and the Committees on the Judiciary of the Senate and the House of Representatives.

“(c) A determination made by the Attorney General to authorize an award under this section and the amount of any reward authorized shall be final and conclusive, and not subject to judicial review.”.

**SEC. 816. DEPARTMENT OF THE TREASURY.**

(a) IN GENERAL.—There are authorized to be appropriated for Department of Treasury law enforcement agencies engaged in counterterrorism efforts to augment those efforts—

(1) \$10,000,000 for fiscal year 1997;

(2) \$10,000,000 for fiscal year 1998;

(3) \$10,000,000 for fiscal year 1999; and

(4) \$10,000,000 for fiscal year 2000.

(b) UNITED STATES SECRET SERVICE.—There are authorized to be appropriated for the activities of the United States Secret Service, to augment White House security and expand Presidential protection activities—

(1) \$11,000,000 for fiscal year 1997;

(2) \$11,000,000 for fiscal year 1998;

(3) \$13,000,000 for fiscal year 1999; and

(4) \$15,000,000 for fiscal year 2000.

**SEC. 817. UNITED STATES PARK POLICE.**

(a) IN GENERAL.—There are authorized to be appropriated for the activities of the United States Park Police, to help meet the increased needs of the United States Park Police, \$500,000 for each of the fiscal years 1997, 1998, 1999, and 2000.

(b) AVAILABILITY OF FUNDS.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

**SEC. 818. THE JUDICIARY.**

(a) **IN GENERAL.**—There are authorized to be appropriated to the Federal judiciary, to help meet the increased demands for judicial branch activities, including supervised release, and pretrial and probation services, resulting from the enactment of this Act—

- (1) \$10,000,000 for fiscal year 1997;
- (2) \$10,000,000 for fiscal year 1998;
- (3) \$10,000,000 for fiscal year 1999; and
- (4) \$11,000,000 for fiscal year 2000.

(b) **AVAILABILITY OF FUNDS.**—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

15 USC 2201  
note.

**SEC. 819. LOCAL FIREFIGHTER AND EMERGENCY SERVICES TRAINING.**

(a) **GRANT AUTHORIZATION.**—The Attorney General, in consultation with the Director of the Federal Emergency Management Agency, may make grants to provide specialized training and equipment to enhance the capability of metropolitan fire and emergency service departments to respond to terrorist attacks.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for fiscal year 1997, \$5,000,000 to carry out this section.

**SEC. 820. ASSISTANCE TO FOREIGN COUNTRIES TO PROCURE EXPLOSIVE DETECTION DEVICES AND OTHER COUNTER-TERRORISM TECHNOLOGY.**

There are authorized to be appropriated to the National Institute of Justice Office of Science and Technology not more than \$10,000,000 for each of the fiscal years 1997 and 1998 to provide assistance to foreign countries facing an imminent danger of terrorist attack that threatens the national interest of the United States, or puts United States nationals at risk, in—

- (1) obtaining explosive detection devices and other counterterrorism technology;
- (2) conducting research and development projects on such technology; and
- (3) testing and evaluating counterterrorism technologies in those countries.

**SEC. 821. RESEARCH AND DEVELOPMENT TO SUPPORT COUNTER-TERRORISM TECHNOLOGIES.**

There are authorized to be appropriated to the National Institute of Justice Office of Science and Technology not more than \$10,000,000 for fiscal year 1997, to—

- (1) develop technologies that can be used to combat terrorism, including technologies in the areas of—
  - (A) detection of weapons, explosives, chemicals, and persons;
  - (B) tracking;
  - (C) surveillance;
  - (D) vulnerability assessment; and
  - (E) information technologies;
- (2) develop standards to ensure the adequacy of products produced and compatibility with relevant national systems; and
- (3) identify and assess requirements for technologies to assist State and local law enforcement in the national program to combat terrorism.

**SEC. 822. GRANTS TO STATE AND LOCAL LAW ENFORCEMENT FOR TRAINING AND EQUIPMENT.**

(a) AMENDMENT OF BYRNE GRANT PROGRAM.—Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended—

- (1) by striking “and” at the end of paragraph (24);
- (2) by striking the period at the end of paragraph (25) and inserting “; and”; and
- (3) by adding at the end the following new paragraph:  
“(26) to develop and implement antiterrorism training programs and to procure equipment for use by local law enforcement authorities.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$25,000,000 for each of fiscal years 1997 through 2000 for grants under section 501 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) to be used for the development and implementation of antiterrorism training programs and to procure equipment for use by local law enforcement authorities.

**SEC. 823. FUNDING SOURCE.**

Appropriations for activities authorized in this subtitle may be made from the Violent Crime Reduction Trust Fund.

**TITLE IX—MISCELLANEOUS****SEC. 901. EXPANSION OF TERRITORIAL SEA.**

(a) TERRITORIAL SEA EXTENDING TO TWELVE MILES INCLUDED IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.—The Congress declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988, for purposes of Federal criminal jurisdiction is part of the United States, subject to its sovereignty, and is within the special maritime and territorial jurisdiction of the United States for the purposes of title 18, United States Code.

18 USC 7 note.

(b) ASSIMILATED CRIMES IN EXTENDED TERRITORIAL SEA.—Section 13 of title 18, United States Code, is amended—

- (1) in subsection (a), by inserting after “title,” the following:  
“or on, above, or below any portion of the territorial sea of the United States not within the jurisdiction of any State, Commonwealth, territory, possession, or district”; and

- (2) by adding at the end the following new subsection:

“(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, Commonwealth, territory, possession, or district, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed, for purposes of subsection (a), to lie within the area of the State, Commonwealth, territory, possession, or district that it would lie within if the boundaries of such State, Commonwealth, territory, possession, or district were extended seaward to the outer limit of the territorial sea of the United States.”.

**SEC. 902. PROOF OF CITIZENSHIP.**

Notwithstanding any other provision of law, a Federal, State, or local government agency may not use a voter registration card (or other related document) that evidences registration for an elec-

42 USC 1973gg  
note.

tion for Federal office, as evidence to prove United States citizenship.

**SEC. 903. REPRESENTATION FEES IN CRIMINAL CASES.**

(a) **IN GENERAL.**—Section 3006A of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following:

“(4) **DISCLOSURE OF FEES.**—The amounts paid under this subsection, for representation in any case, shall be made available to the public.”; and

(2) in subsection (e) by adding at the end the following:

“(4) **DISCLOSURE OF FEES.**—The amounts paid under this subsection for services in any case shall be made available to the public.”.

(b) **FEES AND EXPENSES AND CAPITAL CASES.**—Section 408(q)(10) of the Controlled Substances Act (21 U.S.C. 848(q)(10)) is amended to read as follows:

“(10)(A) Compensation shall be paid to attorneys appointed under this subsection at a rate of not more than \$125 per hour for in-court and out-of-court time. Not less than 3 years after the date of the enactment of the Antiterrorism and Effective Death Penalty Act of 1996, the Judicial Conference is authorized to raise the maximum for hourly payment specified in the paragraph up to the aggregate of the overall average percentages of the adjustments in the rates of pay for the General Schedule made pursuant to section 5305 of title 5 on or after such date. After the rates are raised under the preceding sentence, such hourly range may be raised at intervals of not less than one year, up to the aggregate of the overall average percentages of such adjustments made since the last raise under this paragraph.

“(B) Fees and expenses paid for investigative, expert, and other reasonably necessary services authorized under paragraph (9) shall not exceed \$7,500 in any case, unless payment in excess of that limit is certified by the court, or by the United States magistrate judge, if the services were rendered in connection with the case disposed of entirely before such magistrate judge, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit. The chief judge of the circuit may delegate such approval authority to an active circuit judge.

“(C) The amounts paid under this paragraph for services in any case shall be disclosed to the public, after the disposition of the petition.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section apply to—

(1) cases commenced on or after the date of the enactment of this Act; and

(2) appellate proceedings, in which an appeal is perfected, on or after the date of the enactment of this Act.

**SEC. 904. SEVERABILITY.**

18 USC 1 note.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Approved April 24, 1996.

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**LEGISLATIVE HISTORY—S. 735 (H.R. 1710) (H.R. 2703):**

HOUSE REPORTS: Nos. 104-383 accompanying H.R. 1710 (Comm. on the Judiciary) and 104-518 (Comm. of Conference).

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): May 25, 26, June 5-7, considered and passed Senate.

Vol. 142 (1996): Mar. 13, 14, H.R. 2703 considered and passed House; S. 735, amended, passed in lieu.

Apr. 16, 17, Senate considered and agreed to conference report.

Apr. 18, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Apr. 24, Presidential remarks and statement.

Public Law 104-133  
104th Congress

An Act

Apr. 25, 1996

[H.R. 3034]

To amend the Indian Self-Determination and Education Assistance Act to extend for two months the authority for promulgating regulations under the Act.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF AUTHORITY TO PROMULGATE REGULATIONS.**

Section 107(a)(2)(B) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450k(a)(2)(B)) is amended by striking "18 months" and inserting "20 months".

Approved April 25, 1996.

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**LEGISLATIVE HISTORY—H.R. 3034:**

CONGRESSIONAL RECORD, Vol. 142 (1996):

Apr. 16, considered and passed House.

Apr. 18, considered and passed Senate.

\* Public Law 104-134  
104th Congress

An Act

Making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

Apr. 26, 1996

[H.R. 3019]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 101. For programs, projects or activities in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

Omnibus  
Consolidated  
Rescissions and  
Appropriations  
Act of 1996.

AN ACT

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes

Departments of  
Commerce,  
Justice, and  
State, the  
Judiciary, and  
Related Agencies  
Appropriation  
Act, 1996.  
Department of  
Justice  
Appropriations  
Act, 1996.

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$74,282,000; including not to exceed \$3,317,000 for the Facilities Program 2000, and including \$5,000,000 for management and oversight of Immigration and Naturalization Service activities, both sums to remain available until expended: *Provided*, That not to exceed 48 permanent positions and 55 full-time equivalent workyears and \$7,477,000 shall be expended for the Department Leadership Program, exclusive of augmentation that occurred in these offices in fiscal year 1995: *Provided further*, That not to exceed 76 permanent positions and 90 full-time equivalent workyears and \$9,487,000 shall be expended for the Offices of Legislative Affairs, Public Affairs and Policy Development: *Provided further*, That the latter three aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

\* Note: This is a typeset print of the original hand enrollment as signed by the President on April 26, 1996. The text is printed without corrections. Footnotes indicate missing or illegible text in the original.

## COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, \$16,898,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City or any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: *Provided*, That funds provided under this section shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

## ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, \$38,886,000: *Provided*, That the obligated and unobligated balances of funds previously appropriated to the General Administration, Salaries and Expenses appropriation for the Executive Office for Immigration Review and the Office of the Pardon Attorney shall be merged with this appropriation.

## VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by sections 130005 and 130007 of Public Law 103-322, \$47,780,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund: *Provided*, That the obligated and unobligated balances of funds previously appropriated to the General Administration, Salaries and Expenses appropriation under title VIII of Public Law 103-317 for the Executive Office for Immigration Review shall be merged with this appropriation.

## OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$28,960,000; including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

## UNITED STATES PAROLE COMMISSION

## SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, \$5,446,000.

## LEGAL ACTIVITIES

## SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

## (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; \$401,929,000; of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, not to exceed \$22,618,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: *Provided further*, That of the total amount appropriated, not to exceed \$1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding 31 U.S.C. 1342, the Attorney General may accept on behalf of the United States and credit to this appropriation, gifts of money, personal property and services, for the purpose of hosting the International Criminal Police Organization's (INTERPOL) American Regional Conference in the United States during fiscal year 1996.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act, 1989, as amended by Public Law 101-512 (104 Stat. 1289).

In addition, for Salaries and Expenses, General Legal Activities, \$12,000,000 shall be made available to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

## VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

For the expeditious deportation of denied asylum applicants, as authorized by section 130005 of Public Law 103-322, \$7,591,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

## SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$65,783,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$48,262,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996

appropriation from the General Fund estimated at not more than \$17,521,000: *Provided further*, That any fees received in excess of \$48,262,000 in fiscal year 1996, shall remain available until expended, but shall not be available for obligation until October 1, 1996.

#### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental agreements, \$895,509,000, of which not to exceed \$2,500,000 shall be available until September 30, 1997 for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services to the Department of Justice related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, (3) paying the costs of the Department of Justice for the sale of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs, and (4) paying the costs of processing and tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$10,000,000 of those funds available for automated litigation support contracts and \$4,000,000 for security equipment shall remain available until expended: *Provided further*, That in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 8,595 positions and 8,862 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

#### VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 190001(d), 40114 and 130005 of Public Law 103-322, \$30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which \$20,269,000 shall be available to help meet increased demands for litigation and related activities, \$500,000 to implement a program to appoint additional Federal Victim's Counselors, and \$9,231,000 for expeditious deportation of denied asylum applicants.

#### UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, \$102,390,000, as authorized by 28 U.S.C. 589a(a), to remain available until expended, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-554), which shall be derived from the United States Trustee System Fund: *Provided*, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$44,191,000 of offsetting collections derived from fees collected pursuant to section 589a(f) of title 28, United States Code, as amended, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That the \$102,390,000 herein

appropriated from the United States Trustee System Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from such Fund estimated at not more than \$58,199,000: *Provided further*, That any of the aforementioned fees collected in excess of \$44,191,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996.

#### SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, \$830,000.

#### SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; \$423,248,000, as authorized by 28 U.S.C. 561(i), of which not to exceed \$6,000 shall be available for official reception and representation expenses.

#### VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of Public Law 103-322, \$25,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

#### FEDERAL PRISONER DETENTION

##### (INCLUDING TRANSFER OF FUNDS)

For expenses related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General; \$252,820,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

In addition, for Federal Prisoner Detention, \$9,000,000 shall be made available until expended to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

#### FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, \$85,000,000, to remain available until expended; of which not to exceed \$4,750,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; of which not to exceed \$1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed \$4,000,000 may be made available for the purchase,

installation and maintenance of a secure automated information network to store and retrieve the identities and locations of protected witnesses.

#### SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, \$5,319,000: *Provided*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, \$30,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.

#### RADIATION EXPOSURE COMPENSATION

##### ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, \$2,655,000.

##### PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, \$16,264,000, to become available on October 1, 1996.

#### INTERAGENCY LAW ENFORCEMENT

##### INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$359,843,000, of which \$50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

## FEDERAL BUREAU OF INVESTIGATION

## SALARIES AND EXPENSES

## (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,815 passenger motor vehicles of which 1,300 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; \$2,189,183,000, of which not to exceed \$50,000,000 for automated data processing and telecommunications and technical investigative equipment and \$1,000,000 for undercover operations shall remain available until September 30, 1997; of which not less than \$102,345,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed \$98,400,000 shall remain available until expended; of which not to exceed \$10,000,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which \$1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: *Provided*, That not to exceed \$45,000 shall be available for official reception and representation expenses: *Provided further*, That \$58,000,000 shall be made available for NCIC 2000, of which not less than \$35,000,000 shall be derived from ADP and Telecommunications unobligated balances, in addition, \$22,000,000 shall be derived by transfer and available until expended from unobligated balances in the Working Capital Fund of the Department of Justice.

## VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by Public Law 103-322, \$218,300,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which \$208,800,000 shall be for activities authorized by section 190001(c); \$4,000,000 for Training and Investigative Assistance authorized by section 210501(c)(2); and \$5,500,000 for establishing DNA quality assurance and proficiency testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210306.

## CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; \$97,589,000, to remain available until expended.

## DRUG ENFORCEMENT ADMINISTRATION

## SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,208 passenger motor vehicles, of which 1,178 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; \$750,168,000, of which not to exceed \$1,800,000 for research and \$15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed \$4,000,000 for purchase of evidence and payments for information, not to exceed \$4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed \$2,000,000 for technical and laboratory equipment shall remain available until September 30, 1997, and of which not to exceed \$50,000 shall be available for official reception and representation expenses.

## VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 180104 and 190001(b) of Public Law 103-322, \$60,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

## IMMIGRATION AND NATURALIZATION SERVICE

## SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 813 of which 177 are for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; \$1,394,825,000, of which \$36,300,000 shall remain available until September 30, 1997; of which \$506,800,000 is available for the Border Patrol; of which not to exceed \$400,000 for research shall remain available until expended; and of which not to exceed \$10,000,000 shall be available for costs associated with the training program for basic officer training: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of \$25,000 during the calendar year beginning January 1, 1996: *Provided further*, That uniforms may be purchased without regard

to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed \$5,000 shall be available for official reception and representation expenses: *Provided further*, That the Attorney General may transfer to the Department of Labor and the Social Security Administration not to exceed \$10,000,000 for programs to verify the immigration status of persons seeking employment in the United States: *Provided further*, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless: (1) the checkpoints are open and traffic is being checked on a continuous 24-hour basis and (2) the Immigration and Naturalization Service undertakes a commuter lane facilitation pilot program at the San Clemente checkpoint within 90 days of enactment of this Act: *Provided further*, That the Immigration and Naturalization Service shall undertake the renovation and improvement of the San Clemente checkpoint, to include the addition of two to four lanes, and which shall be exempt from Federal procurement regulations for contract formation, from within existing balances in the Immigration and Naturalization Service Construction account: *Provided further*, That if renovation of the San Clemente checkpoint is not completed by July 1, 1996, the San Clemente checkpoint will close until such time as the renovations and improvements are completed unless funds for the continued operation of the checkpoint are provided and made available for obligation and expenditure in accordance with procedures set forth in section 605 of this Act, as the result of certification by the Attorney General that exigent circumstances require the checkpoint to be open and delays in completion of the renovations are not the result of any actions that are or have been in the control of the Department of Justice: *Provided further*, That the Office of Public Affairs at the Immigration and Naturalization Service shall conduct its business in areas only relating to its central mission, including: research, analysis, and dissemination of information, through the media and other communications outlets, relating to the activities of the Immigration and Naturalization Service: *Provided further*, That the Office of Congressional Relations at the Immigration and Naturalization Service shall conduct business in areas only relating to its central mission, including: providing services to Members of Congress relating to constituent inquiries and requests for information; and working with the relevant congressional committees on proposed legislation affecting immigration matters: *Provided further*, That in addition to amounts otherwise made available in this title to the Attorney General, the Attorney General is authorized to accept and utilize, on behalf of the United States, the \$100,000 Innovation in American Government Award for 1995 from the Ford Foundation for the Immigration and Naturalization Service's Operation Jobs program.

#### VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130005, 130006, and 130007 of Public Law 103-322, \$316,198,000, to remain available until expended, which will be derived from the Violent Crime Reduction Trust Fund, of which \$38,704,000 shall be for expeditious deportation of denied asylum applicants, \$231,570,000 for improving border controls, and \$45,924,000 for expanded special deportation proceedings: *Provided*, That of the amounts made available, \$75,765,000 shall be for the Border Patrol.

## CONSTRUCTION

For planning, construction, renovation, equipping and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, \$25,000,000, to remain available until expended.

## FEDERAL PRISON SYSTEM

## SALARIES AND EXPENSES

42 USC 250a.

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 853, of which 559 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; \$2,567,578,000: *Provided*, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed \$6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$50,000,000 for the activation of new facilities shall remain available until September 30, 1997: *Provided further*, That of the amounts provided for Contract Confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That no funds appropriated in this Act shall be used to privatize any Federal prison facilities located in Forrest City, Arkansas, and Yazoo City, Mississippi.

## VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of Public Law 103-322, \$13,500,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

## BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all

necessary expenses incident thereto, by contract or force account; \$334,728,000, to remain available until expended, of which not to exceed \$14,074,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: *Provided further*, That of the total amount appropriated, not to exceed \$22,351,000 shall be available for the renovation and construction of United States Marshals Service prisoner holding facilities.

#### FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

#### LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$3,559,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

#### OFFICE OF JUSTICE PROGRAMS

##### JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, \$99,977,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102-534 (106 Stat. 3524).

## VIOLENT CRIME REDUCTION PROGRAMS, JUSTICE ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); \$202,400,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which \$6,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; \$750,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; \$130,000,000 for Grants to Combat Violence Against Women to States, units of local governments and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act; \$28,000,000 for Grants to Encourage Arrest Policies to States, units of local governments and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; \$7,000,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; \$1,000,000 for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the Violent Crime Control and Law Enforcement Act of 1994; \$50,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the Omnibus Crime Control and Safe Streets Act of 1968; \$200,000 for the study of State databases on the incidence of sexual and domestic violence, as authorized by section 40292 of the Violent Crime Control and Law Enforcement Act of 1994; \$1,500,000 for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; \$27,000,000 for grants for residential substance abuse treatment for State prisoners authorized by section 1001(a)(17) of the 1968 Act; and \$900,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(d) of the 1994 Act: *Provided*, That any balances for these programs shall be transferred to and merged with this appropriation.

## STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, \$388,000,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102-534 (106 Stat. 3524), of which \$60,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs: *Provided*, That balances of amounts appropriated prior to fiscal year 1995 under the authorities of this account shall be transferred to and merged with this account.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW  
ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); \$1,605,200,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which \$503,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "state", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: *Provided*, That no funds provided under this heading may be used as matching funds for any other federal grant program: *Provided further*, That notwithstanding any other provision of this title, the Attorney General may transfer up to \$18,000,000 of this amount for drug courts pursuant to title V of the 1994 Act, consistent with the reprogramming procedures outlined in section 605 of this Act: *Provided further*, That in lieu of any amount provided from the Local Law Enforcement Block Grant for the District of Columbia, \$15,000,000 shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority, pursuant to section 205 of Public Law 104-8, for the District of Columbia Metropolitan Police Department for law enforcement purposes and shall be disbursed from such escrow account pursuant to the instructions of the Authority and in accordance with a plan developed by the Chief of Police, after consultation with the Committees on Appropriations and Judiciary of the Senate and House of Representatives: *Provided further*, That \$11,000,000 of this amount shall be for Boys & Girls Clubs of America for the establishment of Boys & Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: *Provided further*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers; \$25,000,000 for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; \$147,000,000 as authorized by section 1001 of title I of the 1968 Act, which shall be available to carry out the provisions of subpart 1, part E of title I of the 1968 Act, notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; \$300,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; \$617,500,000 for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (as amended by section

114 of this Act), of which \$200,000,000 shall be available for payments to States for incarceration of criminal aliens, and of which \$12,500,000 shall be available for the Cooperative Agreement Program; \$1,000,000 for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; \$9,000,000 for Improved Training and Technical Automation Grants, as authorized by section 210501(c)(1) of the 1994 Act; \$1,000,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; \$500,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; \$1,000,000 for Gang Investigation Coordination and Information Collection, as authorized by section 150006 of the 1994 Act; \$200,000 for grants as authorized by section 32201(c)(3) of the 1994 Act: *Provided further*, That funds made available in fiscal year 1996 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions: *Provided further*, That any 1995 balances for these programs shall be transferred to and merged with this appropriation: *Provided further*, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

#### COMMUNITY ORIENTED POLICING SERVICES

##### VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 ("the 1994 Act") (including administrative costs); \$1,400,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: *Provided*, That of this amount, \$10,000,000 shall be available for programs of Police Corps education, training and service as set forth in sections 200101-200113 of the 1994 Act: *Provided further*, That not to exceed 130 permanent positions and 130 full-time equivalent workyears and \$14,602,000 shall be expended for program management and administration.

##### WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, \$28,500,000, which shall be derived from discretionary grants provided under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*,

That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

#### JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, \$144,000,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102-586, of which: (1) \$100,000,000 shall be available for expenses authorized by parts A, B, and C of title II of the Act; (2) \$10,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) \$10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) \$4,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) \$20,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, \$4,500,000, to remain available until expended, as authorized by section 214B, of the Act: *Provided*, That balances of amounts appropriated prior to fiscal year 1995 under the authorities of this account shall be transferred to and merged with this account.

#### PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340), and, in addition, \$2,134,000, to remain available until expended, for payments as authorized by section 1201(b) of said Act.

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 114. (a) GRANT PROGRAM.—Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

## **“Subtitle A—Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants**

42 USC 13701.

### **“SEC. 20101. DEFINITIONS.**

“Unless otherwise provided, for purposes of this subtitle—

“(1) the term ‘indeterminate sentencing’ means a system by which—

“(A) the court may impose a sentence of a range defined by statute; and

“(B) an administrative agency, generally the parole board, or the court, controls release within the statutory range;

“(2) the term ‘part 1 violent crime’ means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports; and

“(3) the term ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

42 USC 13702.

### **“SEC. 20102. AUTHORIZATION OF GRANTS.**

“(a) IN GENERAL.—The Attorney General shall provide Violent Offender Incarceration grants under section 20103 and Truth-in-Sentencing Incentive grants under section 20104 to eligible States—

“(1) to build or expand correctional facilities to increase the bed capacity for the confinement of persons convicted of a part 1 violent crime or adjudicated delinquent for an act which if committed by an adult, would be a part 1 violent crime;

“(2) to build or expand temporary or permanent correctional facilities, including facilities on military bases, prison barges, and boot camps, for the confinement of convicted nonviolent offenders and criminal aliens, for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a part 1 violent crime; and

“(3) to build or expand jails.

“(b) REGIONAL COMPACTS.—

“(1) IN GENERAL.—Subject to paragraph (2), States may enter into regional compacts to carry out this subtitle. Such compacts shall be treated as States under this subtitle.

“(2) REQUIREMENT.—To be recognized as a regional compact for eligibility for a grant under section 20103 or 20104, each member State must be eligible individually.

“(3) LIMITATION ON RECEIPT OF FUNDS.—No State may receive a grant under this subtitle both individually and as part of a compact.

“(c) APPLICABILITY.—Notwithstanding the eligibility requirements of section 20104, a State that certifies to the Attorney General that, as of the date of enactment of the Department of Justice Appropriations Act, 1996, such State has enacted legislation in reliance on subtitle A of title II of the Violent Crime Control and Law Enforcement Act, as enacted on September 13, 1994, and would in fact qualify under those provisions, shall be eligible

to receive a grant for fiscal year 1996 as though such State qualifies under section 20104 of this subtitle.

**“SEC. 20103. VIOLENT OFFENDER INCARCERATION GRANTS.**

42 USC 13703.

“(a) **ELIGIBILITY FOR MINIMUM GRANT.**—To be eligible to receive a minimum grant under this section, a State shall submit an application to the Attorney General that provides assurances that the State has implemented, or will implement, correctional policies and programs, including truth-in-sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public.

“(b) **ADDITIONAL AMOUNT FOR INCREASED PERCENTAGE OF PERSONS SENTENCED AND TIME SERVED.**—A State that received a grant under subsection (a) is eligible to receive additional grant amounts if such State demonstrates that the State has, since 1993—

“(1) increased the percentage of persons arrested for a part 1 violent crime sentenced to prison; or

“(2) increased the average prison time actually served or the average percent of sentence served by persons convicted of a part 1 violent crime.

Receipt of grant amounts under this subsection does not preclude eligibility for a grant under subsection (c).

“(c) **ADDITIONAL AMOUNT FOR INCREASED RATE OF INCARCERATION AND PERCENTAGE OF SENTENCE SERVED.**—A State that received a grant under subsection (a) is eligible to receive additional grant amounts if such State demonstrates that the State has—

“(1) since 1993, increased the percentage of persons arrested for a part 1 violent crime sentenced to prison, and has increased the average percent of sentence served by persons convicted of a part 1 violent crime; or

“(2) has increased by 10 percent or more over the most recent 3-year period the number of new court commitments to prison of persons convicted of part 1 violent crimes.

Receipt of grant amounts under this subsection does not preclude eligibility for a grant under subsection (b).

**“SEC. 20104. TRUTH-IN-SENTENCING INCENTIVE GRANTS.**

42 USC 13704.

“(a) **ELIGIBILITY.**—To be eligible to receive a grant award under this section, a State shall submit an application to the Attorney General that demonstrates that—

“(1) such State has implemented truth-in-sentencing laws that—

“(A) require persons convicted of a part 1 violent crime to serve not less than 85 percent of the sentence imposed (without counting time not actually served, such as administrative or statutory incentives for good behavior); or

“(B) result in persons convicted of a part 1 violent crime serving on average not less than 85 percent of the sentence imposed (without counting time not actually served, such as administrative or statutory incentives for good behavior);

“(2) such State has truth-in-sentencing laws that have been enacted, but not yet implemented, that require such State,

not later than 3 years after such State submits an application to the Attorney General, to provide that persons convicted of a part 1 violent crime serve not less than 85 percent of the sentence imposed (without counting time not actually served, such as administrative or statutory incentives for good behavior); or

“(3) in the case of a State that on the date of enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, practices indeterminate sentencing with regard to any part 1 violent crime—

“(A) persons convicted of a part 1 violent crime on average serve not less than 85 percent of the prison term established under the State’s sentencing and release guidelines; or

“(B) persons convicted of a part 1 violent crime on average serve not less than 85 percent of the maximum prison term allowed under the sentence imposed by the court (not counting time not actually served such as administrative or statutory incentives for good behavior).

“(b) EXCEPTION.—Notwithstanding subsection (a), a State may provide that the Governor of the State may allow for the earlier release of—

“(1) a geriatric prisoner; or

“(2) a prisoner whose medical condition precludes the prisoner from posing a threat to the public, but only after a public hearing in which representatives of the public and the prisoner’s victims have had an opportunity to be heard regarding a proposed release.

42 USC 13705.

#### “SEC. 20105. SPECIAL RULES.

“(a) SHARING OF FUNDS WITH COUNTIES AND OTHER UNITS OF LOCAL GOVERNMENT.—

“(1) RESERVATION.—Each State shall reserve not more than 15 percent of the amount of funds allocated in a fiscal year pursuant to section 20106 for counties and units of local government to construct, develop, expand, modify, or improve jails and other correctional facilities.

“(2) FACTORS FOR DETERMINATION OF AMOUNT.—To determine the amount of funds to be reserved under this subsection, a State shall consider the burden placed on a county or unit of local government that results from the implementation of policies adopted by the State to carry out section 20103 or 20104.

“(b) ADDITIONAL REQUIREMENT.—To be eligible to receive a grant under section 20103 or 20104, a State shall provide assurances to the Attorney General that the State has implemented or will implement not later than 18 months after the date of the enactment of this subtitle, policies that provide for the recognition of the rights and needs of crime victims.

“(c) FUNDS FOR JUVENILE OFFENDERS.—Notwithstanding any other provision of this subtitle, if a State, or unit of local government located in a State that otherwise meets the requirements of section 20103 or 20104, certifies to the Attorney General that exigent circumstances exist that require the State to expend funds to build or expand facilities to confine juvenile offenders other than juvenile offenders adjudicated delinquent for an act which, if committed

by an adult, would be a part 1 violent crime, the State may use funds received under this subtitle to build or expand juvenile correctional facilities or pretrial detention facilities for juvenile offenders.

“(d) PRIVATE FACILITIES.—A State may use funds received under this subtitle for the privatization of facilities to carry out the purposes of section 20102.

“(e) DEFINITION.—For purposes of this subtitle, “part 1 violent crime” means a part 1 violent crime as defined in section 20101(3), or a crime in a reasonably comparable class of serious violent crimes as approved by the Attorney General.

**“SEC. 20106. FORMULA FOR GRANTS.**

42 USC 13706.

**“(a) ALLOCATION OF VIOLENT OFFENDER INCARCERATION GRANTS UNDER SECTION 20103.—**

“(1) FORMULA ALLOCATION.—85 percent of the amount available for grants under section 20103 for any fiscal year shall be allocated as follows (except that a State may not receive more than 9 percent of the total amount of funds made available under this paragraph):

“(A) 0.75 percent shall be allocated to each State that meets the requirements of section 20103(a), except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, if eligible under section 20103(a), shall each be allocated 0.05 percent.

“(B) The amount remaining after application of subparagraph (A) shall be allocated to each State that meets the requirements of section 20103(b), in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, bears to the average annual number of part 1 violent crimes reported by all States that meet the requirements of section 20103(b) to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made.

“(2) ADDITIONAL ALLOCATION.—15 percent of the amount available for grants under section 20103 for any fiscal year shall be allocated to each State that meets the requirements of section 20103(c) as follows:

“(A) 3.0 percent shall be allocated to each State that meets the requirements of section 20103(c), except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, if eligible under such subsection, shall each be allocated 0.03 percent.

“(B) The amount remaining after application of subparagraph (A) shall be allocated to each State that meets the requirements of section 20103(c), in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, bears to the average annual number of part 1 violent crimes reported by all States that meet the requirements of section 20102(c) to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made.

“(b) ALLOCATION OF TRUTH-IN-SENTENCING GRANTS UNDER SECTION 20104.—The amounts available for grants for section 20104 shall be allocated to each State that meets the requirements of section 20104 in the ratio that the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made bears to the average annual number of part 1 violent crimes reported by States that meet the requirements of section 20104 to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, except that a State may not receive more than 25 percent of the total amount available for such grants.

“(c) UNAVAILABLE DATA.—If data regarding part 1 violent crimes in any State is substantially inaccurate or is unavailable for the 3 years preceding the year in which the determination is made, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for the previous year for the State for the purposes of allocation of funds under this subtitle.

“(d) REGIONAL COMPACTS.—In determining the amount of funds that States organized as a regional compact may receive, the Attorney General shall first apply the formula in either subsection (a) or (b) and (c) of this section to each member State of the compact. The States organized as a regional compact may receive the sum of the amounts so determined.

42 USC 13707.

#### “SEC. 20107. ACCOUNTABILITY.

“(a) FISCAL REQUIREMENTS.—A State that receives funds under this subtitle shall use accounting, audit, and fiscal procedures that conform to guidelines prescribed by the Attorney General, and shall ensure that any funds used to carry out the programs under section 20102(a) shall represent the best value for the State governments at the lowest possible cost and employ the best available technology.

“(b) ADMINISTRATIVE PROVISIONS.—The administrative provisions of sections 801 and 802 of the Omnibus Crime Control and Safe Streets Act of 1968 shall apply to the Attorney General under this subtitle in the same manner that such provisions apply to the officials listed in such sections.

42 USC 13708.

#### “SEC. 20108. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—

“(1) AUTHORIZATIONS.—There are authorized to be appropriated to carry out this subtitle—

“(A) \$997,500,000 for fiscal year 1996;

“(B) \$1,330,000,000 for fiscal year 1997;

“(C) \$2,527,000,000 for fiscal year 1998;

“(D) \$2,660,000,000 for fiscal year 1999; and

“(E) \$2,753,100,000 for fiscal year 2000.

“(2) DISTRIBUTION.—

“(A) IN GENERAL.—Of the amounts remaining after the allocation of funds for the purposes set forth under sections 20110, 20111, and 20109, the Attorney General shall, from amounts authorized to be appropriated under paragraph (1) for each fiscal year, distribute 50 percent for incarceration grants under section 20103, and 50 percent for incentive grants under section 20104.

“(B) DISTRIBUTION OF MINIMUM AMOUNTS.—The Attorney General shall distribute minimum amounts allocated for section 20103(a) to an eligible State not later than 30 days after receiving an application that demonstrates that such State qualifies for a Violent Offender Incarceration grant under section 20103 or a Truth-in-Sentencing Incentive grant under section 20104.

“(b) LIMITATIONS ON FUNDS.—

“(1) USES OF FUNDS.—Except as provided in section 20110 and 20111, funds made available pursuant to this section shall be used only to carry out the purposes described in section 20102(a).

“(2) NONSUPPLANTING REQUIREMENT.—Funds made available pursuant to this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

“(3) ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds that remain available after carrying out sections 20109, 20110, and 20111 shall be available to the Attorney General for purposes of—

“(A) administration;

“(B) research and evaluation, including assessment of the effect on public safety and other effects of the expansion of correctional capacity and sentencing reforms implemented pursuant to this subtitle;

“(C) technical assistance relating to the use of grant funds, and development and implementation of sentencing reforms implemented pursuant to this subtitle; and

“(D) data collection and improvement of information systems relating to the confinement of violent offenders and other sentencing and correctional matters.

“(4) CARRYOVER OF APPROPRIATIONS.—Funds appropriated pursuant to this section during any fiscal year shall remain available until expended.

“(5) MATCHING FUNDS.—The Federal share of a grant received under this subtitle may not exceed 90 percent of the costs of a proposal as described in an application approved under this subtitle.

“SEC. 20109. PAYMENTS FOR INCARCERATION ON TRIBAL LANDS.

42 USC 13709.

“(a) RESERVATION OF FUNDS.—Notwithstanding any other provision of this subtitle other than section 20108(a)(2), from amounts appropriated to carry out sections 20103 and 20104, the Attorney General shall reserve, to carry out this section—

“(1) 0.3 percent in each of fiscal years 1996 and 1997;

and

“(2) 0.2 percent in each of fiscal years 1998, 1999, and 2000.

“(b) GRANTS TO INDIAN TRIBES.—From the amounts reserved under subsection (a), the Attorney General may make grants to Indian tribes for the purposes of constructing jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction.

“(c) APPLICATIONS.—To be eligible to receive a grant under this section, an Indian tribe shall submit to the Attorney General an application in such form and containing such information as the Attorney General may by regulation require.

42 USC 13710.

**"SEC. 20110. PAYMENTS TO ELIGIBLE STATES FOR INCARCERATION OF CRIMINAL ALIENS.**

"(a) IN GENERAL.—The Attorney General shall make a payment to each State which is eligible under section 242(j) of the Immigration and Nationality Act in such amount as is determined under section 242(j), and for which payment is not made to such State for such fiscal year under such section.

"(b) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any other provision of this subtitle, there are authorized to be appropriated to carry out this section from amounts authorized under section 20108, an amount which when added to amounts appropriated to carry out section 242(j) of the Immigration and Nationality Act for fiscal year 1996 equals \$500,000,000 and for each of the fiscal years 1997 through 2000 does not exceed \$650,000,000.

"(c) ADMINISTRATION.—The amounts appropriated to carry out this section shall be reserved from the total amount appropriated for each fiscal year and shall be added to the other funds appropriated to carry out section 242(j) of the Immigration and Nationality Act and administered under such section.

"(d) REPORT TO CONGRESS.—Not later than May 15, 1999, the Attorney General shall submit a report to the Congress which contains the recommendation of the Attorney General concerning the extension of the program under this section.

42 USC 13711.

**"SEC. 20111. SUPPORT OF FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.**

"(a) IN GENERAL.—The Attorney General may make payments to States and units of local government for the purposes authorized in section 4013 of title 18, United States Code.

"(b) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any other provision of this subtitle other than section 20108(a)(2), there are authorized to be appropriated from amounts authorized under section 20108 for each of fiscal years 1996 through 2000 such sums as may be necessary to carry out this section.

42 USC 13712.

**"SEC. 20112. REPORT BY THE ATTORNEY GENERAL.**

"Beginning on October 1, 1996, and each subsequent July 1 thereafter, the Attorney General shall report to the Congress on the implementation of this subtitle, including a report on the eligibility of the States under sections 20103 and 20104, and the distribution and use of funds under this subtitle."

(b) CONFORMING AMENDMENTS.—

(1) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—

42 USC 3796ii *et seq.*

(A) PART V.—Part V of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed.

(B) FUNDING.—

42 USC 3793.

(i) Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking paragraph (20).

42 USC 3793 *note.*

(ii) Notwithstanding the provisions of subparagraph (A), any funds that remain available to an applicant under paragraph (20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be used in accordance with part V of such Act as if such Act was in effect on the day preceding the date of enactment of this Act.

(2) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT  
OF 1994.—

(A) TABLE OF CONTENTS.—The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the matter relating to title V.

(B) COMPLIANCE.—Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under title V of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance with such subtitle as if such subtitle was in effect on the day preceding the date of enactment of this Act.

42 USC 3796ii  
note.

(C) TRUTH-IN-SENTENCING.—The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the matter relating to subtitle A of title II and inserting the following:

“SUBTITLE A—VIOLENT OFFENDER INCARCERATION AND TRUTH-IN-SENTENCING  
INCENTIVE GRANTS

“Sec. 20101. Definitions.

“Sec. 20102. Authorization of Grants.

“Sec. 20103. Violent offender incarceration grants.

“Sec. 20104. Truth-in-sentencing incentive grants.

“Sec. 20105. Special rules.

“Sec. 20106. Formula for grants.

“Sec. 20107. Accountability.

“Sec. 20108. Authorization of appropriations.

“Sec. 20109. Payments for Incarceration on Tribal Lands.

“Sec. 20110. Payments to eligible States for incarceration of criminal aliens.

“Sec. 20111. Support of Federal prisoners in non-Federal institutions.

“Sec. 20112. Report by the Attorney General.”.

SEC. 120. The pilot debt collection project authorized by Public Law 99-578, as amended, is extended through September 30, 1997.

31 USC 3718  
note.

SEC. 121. The definition of “educational expenses” in Section 200103 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, is amended to read as follows: “‘educational expenses’ means expenses that are directly attributable to a course of education leading to the award of either a baccalaureate or graduate degree in a course of study which, in the judgment of the State or local police force to which the participant will be assigned, includes appropriate preparation for police service including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses.”

42 USC 14092.

SEC. 122. Section 524(c) of title 28, United States Code, is amended by striking subparagraph (8)(E), as added by section 110 of the Department of Justice and Related Agencies Appropriations Act, 1995 (P. L. 103-317, 108 Stat. 1735 (1994)).

This title may be cited as the “Department of Justice Appropriations Act, 1996”.

Department of  
Commerce and  
Related Agencies  
Appropriations  
Act, 1996.

## TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

### TRADE AND INFRASTRUCTURE DEVELOPMENT

#### RELATED AGENCIES

##### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

###### SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$20,889,000, of which \$2,500,000 shall remain available until expended: *Provided*, That not to exceed \$98,000 shall be available for official reception and representation expenses.

##### INTERNATIONAL TRADE COMMISSION

###### SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$40,000,000, to remain available until expended.

#### DEPARTMENT OF COMMERCE

##### INTERNATIONAL TRADE ADMINISTRATION

###### OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; \$264,885,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 15 U.S.C. 4912; and that for the purpose of this Act, contributions

under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

#### EXPORT ADMINISTRATION

##### OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; \$38,604,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

#### ECONOMIC DEVELOPMENT ADMINISTRATION

##### ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, \$328,500,000: *Provided*, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: *Provided*

*further*, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

#### SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$20,000,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

#### MINORITY BUSINESS DEVELOPMENT AGENCY

##### MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$32,000,000.

#### ECONOMIC AND INFORMATION INFRASTRUCTURE

##### ECONOMIC AND STATISTICAL ANALYSIS

##### SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$45,900,000, to remain available until September 30, 1997.

##### ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

15 USC 1527a  
note.

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by 15 U.S.C. 1525-1527 and, notwithstanding 15 U.S.C. 4912, charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

##### BUREAU OF THE CENSUS

##### SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$133,812,000.

##### PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, \$150,300,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION  
ADMINISTRATION

## SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, \$17,000,000 to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce is authorized to charge Federal agencies for spectrum management, analysis, and operations, and related services: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for spectrum management, analysis, and operations, and related services and for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

## PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$15,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed \$2,200,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

## INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$21,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed \$3,000,000 shall be available for program administration and other support activities as authorized by section 391 of the Act including support of the Advisory Council on National Information Infrastructure: *Provided further*, That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety or other social services.

## PATENT AND TRADEMARK OFFICE

## SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks; \$82,324,000, to remain available until expended: *Provided*, That the funds made

available under this heading are to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: *Provided further*, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, shall remain available until expended.

#### SCIENCE AND TECHNOLOGY

##### NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

##### SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$259,000,000, to remain available until expended, of which not to exceed \$8,500,000 may be transferred to the "Working Capital Fund".

##### INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership and the Advanced Technology Program of the National Institute of Standards and Technology, \$301,000,000, to remain available until expended, of which \$80,000,000 shall be for the Manufacturing Extension Partnership, and of which \$221,000,000 shall be for the Advanced Technology Program: *Provided*, That not to exceed \$500,000 may be transferred to the "Working Capital Fund".

##### CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$60,000,000, to remain available until expended.

##### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### OPERATIONS, RESEARCH, AND FACILITIES

##### (INCLUDING TRANSFER OF FUNDS)

33 USC 851.

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 358 commissioned officers on the active list; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; \$1,795,677,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such additional fees are received during fiscal year 1996, so as to result in a final general fund appropriation estimated at not more than \$1,792,677,000: *Provided further*, That any such additional fees

received in excess of \$3,000,000 in fiscal year 1996 shall not be available for obligation until October 1, 1996: *Provided further*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, \$63,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That grants to States pursuant to sections 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed \$2,000,000.

#### COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to 16 U.S.C. 1456a, not to exceed \$7,800,000, for purposes set forth in 16 U.S.C. 1456a(b)(2)(A), 16 U.S.C. 1456a(b)(2)(B)(v), and 16 U.S.C. 1461(e).

#### CONSTRUCTION

For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, \$50,000,000, to remain available until expended.

#### FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the repair, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration, \$8,000,000, to remain available until expended.

#### FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95-376, not to exceed \$1,032,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980 (b) and (f), to remain available until expended.

#### FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$999,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

#### FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627) and the American Fisheries Promotion Act (Public Law 96-561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed \$196,000, to remain available until expended.

## FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, as amended, \$250,000: *Provided*, That none of the funds made available under this heading may be used to guarantee loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

## TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY  
POLICY

## SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, \$7,000,000.

## GENERAL ADMINISTRATION

## SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed \$3,000 for official entertainment, \$29,100,000.

## OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), \$19,849,000.

## NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

## CONSTRUCTION OF RESEARCH FACILITIES

## (RESCISSION)

Of the unobligated balances available under this heading, \$75,000,000 are rescinded.

## GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

13 USC 23 note.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: *Provided*, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: *Provided further*, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce to cover the costs of actions relating to the abolishment, reorganization or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: *Provided*, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Notwithstanding any other provision of law (including any regulation and including the Public Works and Economic Development Act of 1965), the transfer of title to the Rutland City Industrial Complex to Hilinex, Vermont (as related to Economic Development Administration Project Number 01-11-01742) shall not require compensation to the Federal Government for the fair share of the Federal Government of that real property.

SEC. 208. (a) IN GENERAL.—The Secretary of Commerce, acting through the Assistant Secretary for Economic Development of the Department of Commerce, shall—

(1) not later than January 1, 1996, commence the demolition of the structures on, and the cleanup and environmental remediation on, the parcel of land described in subsection (b);

(2) not later than March 31, 1996, complete the demolition, cleanup, and environmental remediation under paragraph (1); and

(3) not later than April 1, 1996, convey the parcel of land described in subsection (b), in accordance with the requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), to the Tuscaloosa County Industrial Development Authority, on receipt of payment of the fair market value for the parcel by the Authority, as agreed on by the Secretary and the Authority.

(b) **LAND PARCEL.**—The parcel of land referred to in subsection (a) is the parcel of land consisting of approximately 41 acres in Holt, Alabama (in Tuscaloosa County), that is generally known as the “Central Foundry Property”, as depicted on a map, and as described in a legal description, that the Secretary, acting through the Assistant Secretary for Economic Development, determines to be satisfactory.

**SEC. 209.** Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this provision is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

**SEC. 210.** None of the funds appropriated under this Act or any other Act may be used to develop new fishery management plans, amendments or regulations which create new individual fishing quota, individual transferable quota, or new individual transferable effort allocation programs, or to implement any such plans, amendments or regulations approved by a Regional Fishery Management Council or the Secretary of Commerce after January 4, 1995, until offsetting fees to pay for the cost of administering such plans, amendments or regulations are expressly authorized under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.). This restriction shall not apply in any way to any such programs approved by the Secretary of Commerce prior to January 4, 1995.

**SEC. 211.** Section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)) is amended—

(1) in the heading, by striking “GRANTS” and inserting “ASSISTANCE”;

(2) in paragraph (1), by striking “award grants to persons engaged in commercial fisheries, for uninsured losses determined by the Secretary to have been suffered” and inserting “help persons engaged in commercial fisheries, either by providing assistance directly to those persons or by providing assistance indirectly through States and local government agencies and nonprofit organizations, for projects or other measures

16 USC 1851  
note.

to alleviate harm determined by the Secretary to have been incurred”;

(3) in paragraph (3), by striking “a grant” and inserting “direct assistance to a person”;

(4) in paragraph (3), by striking “gross revenues annually,” and inserting “net revenues annually from commercial fishing,”;

(5) by striking paragraph (4) and inserting the following:

“(4)(A) Assistance may not be provided under this subsection as part of a fishing capacity reduction program in a fishery unless the Secretary determines that adequate conservation and management measures are in place in that fishery.

“(B) As a condition of awarding assistance with respect to a vessel under a fishing capacity reduction program, the Secretary shall—

“(i) prohibit the vessel from being used for fishing; and

“(ii) require that the vessel be—

“(I) scrapped or otherwise disposed of in a manner approved by the Secretary; or

“(II) donated to a nonprofit organization and thereafter used only for purposes of research, education, or training; or

“(III) used for another non-fishing purpose provided the Secretary determines that adequate measures are in place to ensure that the vessel cannot reenter any fishery.

“(C) A vessel that is prohibited from fishing under subparagraph (B) shall not be eligible for a fishery endorsement under section 12108(a) of title 46, United States Code, and any such endorsement for the vessel shall not be effective.”; and

(6) in paragraph (5), by striking “for awarding grants” and all that follows through the end of the paragraph and inserting “for receiving assistance under this subsection.”

SEC. 212. The Secretary may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with Title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

This title may be cited as the “Department of Commerce and Related Agencies Appropriations Act, 1996”.

### TITLE III—THE JUDICIARY

The Judiciary  
Appropriations  
Act, 1996.

#### SUPREME COURT OF THE UNITED STATES

##### SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$25,834,000.

## CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), \$3,313,000, of which \$500,000 shall remain available until expended.

## UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

## SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$14,288,000.

## UNITED STATES COURT OF INTERNATIONAL TRADE

## SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, \$10,859,000.

## COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

## SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$2,433,141,000 (including the purchase of firearms and ammunition); of which not to exceed \$13,454,000 shall remain available until expended for space alteration projects; of which not to exceed \$10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects; and of which \$500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$2,318,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

## VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, \$30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103-322.

## DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), \$267,217,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i): *Provided*, That none of the funds provided in this Act shall be available for Death Penalty Resource Centers or Post-Conviction Defender Organizations after April 1, 1996.

## FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); \$59,028,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

## COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702); \$102,000,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

## ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

## SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the

District of Columbia and elsewhere, \$47,500,000, of which not to exceed \$7,500 is authorized for official reception and representation expenses.

#### FEDERAL JUDICIAL CENTER

##### SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$17,914,000; of which \$1,800,000 shall remain available through September 30, 1997, to provide education and training to Federal court personnel; and of which not to exceed \$1,000 is authorized for official reception and representation expenses.

#### JUDICIAL RETIREMENT FUNDS

##### PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$24,000,000, to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$7,000,000, and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), \$1,900,000.

#### UNITED STATES SENTENCING COMMISSION

##### SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$8,500,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

#### GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93-236.

SEC. 303. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and other Judicial Services, Defender Services", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 304. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed \$10,000 and shall be administered by the Director of

the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

SEC. 305. Section 333 of title 28, United States Code, is amended—

(1) in the first paragraph by striking “shall” the first, second, and fourth place it appears and inserting “may”; and

(2) in the second paragraph—

(A) by striking “shall” the first place it appears and inserting “may”; and

(B) by striking “, and unless excused by the chief judge, shall remain throughout the conference”.

This title may be cited as “The Judiciary Appropriations Act, 1996”.

#### TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

##### DEPARTMENT OF STATE

##### ADMINISTRATION OF FOREIGN AFFAIRS

##### DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; and for expenses of general administration, \$1,708,800,000: *Provided*, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), not to exceed \$125,000,000 of fees may be collected during fiscal year 1996 under the authority of section 140(a)(1) of that Act: *Provided further*, That all fees collected under the preceding proviso shall be deposited in fiscal year 1996 as an offsetting collection to appropriations made under this heading to recover the costs of providing consular services and shall remain available until expended: *Provided further*, That starting in fiscal year 1997, a system shall be in place that allocates to each department and agency the full cost of its presence outside of the United States.

Of the funds provided under this heading, \$24,856,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and not to exceed \$17,144,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service and shall remain available until expended. Of the latter amount, \$2,500,000 shall not be made available until expiration of the 15 day period beginning on the date when the Secretary of State and the Director of the Diplomatic Telecommunications Service submit the pilot program report required by section 507 of Public Law 103-317.

In addition, not to exceed \$700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956, 22 U.S.C. 2717; and in addition

Department of  
State and  
Related Agencies  
Appropriations  
Act, 1996.

8 USC 1351 note.

22 USC 2695b.

not to exceed \$1,223,000 shall be derived from fees from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90-553, as amended by section 120 of Public Law 101-246); and in addition not to exceed \$15,000 which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State of Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts, "Diplomatic and Consular Programs" and "Salaries and Expenses" under the heading "Administration of Foreign Affairs" may be transferred between such appropriation accounts: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

For an additional amount for security enhancements to counter the threat of terrorism, \$9,720,000, to remain available until expended.

#### SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, \$363,276,000.

For an additional amount for security enhancements to counter the threat of terrorism, \$1,870,000, to remain available until expended.

#### CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$16,400,000, to remain available until expended, as authorized in Public Law 103-236: *Provided*, That section 135(e) of Public Law 103-236 shall not apply to funds appropriated under this heading.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), \$27,369,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96-465), as it relates to post inspections: *Provided*, That notwithstanding any other provision of law, (1) the Office of the Inspector General of the United States Information Agency is hereby merged with the Office of the Inspector General of the Department of State; (2) the functions exercised and assigned to the Office of the Inspector General of the United States Information Agency before the effective date of this Act (including all related functions) are transferred to the Office of the Inspector General of the Department of State; and (3) the Inspector General of the Department of State shall also serve as the Inspector General of the United States Information Agency.

5 USC app. 11  
note.

## REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), \$4,500,000.

## PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, \$8,579,000.

## SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), \$385,760,000, to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

## EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), \$6,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed \$1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

## REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$593,000, as authorized by 22 U.S.C. 2671: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, \$183,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

## PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), \$15,165,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY  
FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$125,402,000.

## INTERNATIONAL ORGANIZATIONS AND CONFERENCES

22 USC 269a  
note.

## CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$892,000,000: *Provided*, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103-236 for fiscal year 1996: *Provided further*, That certification under section 401(b) of Public Law 103-236 for fiscal year 1996 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103-236 at least 15 days in advance of the proposed certification: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further*, That of the funds appropriated in this paragraph, \$80,000,000 may be made available only on a quarterly basis and only after the Secretary of State certifies on a quarterly basis that the United Nations has taken no action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed its no growth budget for the biennium 1996-1997 adopted in December, 1995.

## CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$359,000,000: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least fifteen days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American

manufacturers and suppliers are being given opportunities to provide equipment, services and material for United Nations peace-keeping activities equal to those being given to foreign manufacturers and suppliers.

#### INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2656 and 2672 and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, \$3,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed \$200,000 may be expended for representation as authorized by 22 U.S.C. 4085.

#### INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows: 22 USC 269a note.

##### INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

##### SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$12,058,000.

##### CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$6,644,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

#### AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103-182; \$5,800,000, of which not to exceed \$9,000 shall be available for representation expenses incurred by the International Joint Commission.

#### INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$14,669,000: *Provided*, That the United States share of such expenses may be

advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

#### OTHER

##### PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, \$5,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

#### RELATED AGENCIES

##### ARMS CONTROL AND DISARMAMENT AGENCY

##### ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, \$38,700,000, of which not to exceed \$50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

##### UNITED STATES INFORMATION AGENCY

##### SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$700,000 of this appropriation), as authorized by 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed \$25,000 as authorized by 22 U.S.C. 1474(3); \$445,645,000: *Provided*, That not to exceed \$1,400,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: *Provided further*, That not to exceed \$7,615,000 to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended: *Provided further*, That not to exceed \$1,700,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

##### TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of

1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), \$5,050,000, to remain available until expended.

#### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), \$200,000,000, to remain available until expended as authorized by 22 U.S.C. 2455.

#### EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-05), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1996, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

#### ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1996, to remain available until expended.

#### AMERICAN STUDIES COLLECTIONS ENDOWMENT FUND

For necessary expenses of American Studies Collections as authorized by section 235 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, all interest and earnings accruing to the American Studies Collections Endowment Fund on or before September 30, 1996, to remain available until expended.

#### INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities; \$325,191,000, of which \$5,000,000 shall remain available until expended, not to exceed \$16,000 may be used for official receptions within the United States as authorized by 22 U.S.C. 1474(3), not to exceed \$35,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085, and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, not to exceed \$250,000 from fees as authorized by section 810 of the

advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

#### OTHER

##### PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, \$5,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

#### RELATED AGENCIES

##### ARMS CONTROL AND DISARMAMENT AGENCY

##### ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, \$38,700,000, of which not to exceed \$50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

##### UNITED STATES INFORMATION AGENCY

##### SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$700,000 of this appropriation), as authorized by 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed \$25,000 as authorized by 22 U.S.C. 1474(3); \$445,645,000: *Provided*, That not to exceed \$1,400,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: *Provided further*, That not to exceed \$7,615,000 to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended: *Provided further*, That not to exceed \$1,700,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

##### TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of

1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), \$5,050,000, to remain available until expended.

#### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), \$200,000,000, to remain available until expended as authorized by 22 U.S.C. 2455.

#### EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-05), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1996, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

#### ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1996, to remain available until expended.

#### AMERICAN STUDIES COLLECTIONS ENDOWMENT FUND

For necessary expenses of American Studies Collections as authorized by section 235 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, all interest and earnings accruing to the American Studies Collections Endowment Fund on or before September 30, 1996, to remain available until expended.

#### INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities; \$325,191,000, of which \$5,000,000 shall remain available until expended, not to exceed \$16,000 may be used for official receptions within the United States as authorized by 22 U.S.C. 1474(3), not to exceed \$35,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085, and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, not to exceed \$250,000 from fees as authorized by section 810 of the

United States Information and Educational Exchange Act of 1948, as amended, to remain available until expended for carrying out authorized purposes; and in addition, notwithstanding any other provision of law, not to exceed \$1,000,000 in monies received (including receipts from advertising, if any) by or for the use of the United States Information Agency from or in connection with broadcasting resources owned by or on behalf of the Agency, to be available until expended for carrying out authorized purposes.

#### BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, \$24,809,000 to remain available until expended: *Provided*, That not later than April 1, 1996, the headquarters of the Office of Cuba Broadcasting shall be relocated from Washington, D.C. to south Florida, and that any funds available under the headings "International Broadcasting Operations", "Broadcasting to Cuba", and "Radio Construction" may be available to carry out this relocation.

#### RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by 22 U.S.C. 1471, \$40,000,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

#### EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054-2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$11,750,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

#### NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, \$2,000,000, to remain available until expended.

#### NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, \$30,000,000, to remain available until expended.

## GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. Funds appropriated or otherwise made available under this Act or any other Act may be expended for compensation of the United States Commissioner of the International Boundary Commission, United States and Canada, only for actual hours worked by such Commissioner.

SEC. 404. (a) No later than 90 days after enactment of legislation consolidating, reorganizing or downsizing the functions of the Department of State, the United States Information Agency, and the Arms Control and Disarmament Agency, the Secretary of State, the Director of the United States Information Agency and the Director of the Arms Control and Disarmament Agency shall submit to the Committees on Appropriations of the House and the Senate a proposal for transferring or rescinding funds appropriated herein for functions that are consolidated, reorganized or downsized under such legislation: *Provided*, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of State, the Director of the United States Information Agency, and the Director of the Arms Control and Disarmament Agency, as appropriate, may use any available funds to cover the costs of actions to consolidate, reorganize or downsize the functions under their authority required by such legislation, and of any related personnel action, including voluntary separation incentives if authorized by such legislation: *Provided*, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 402 of this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 405. Funds appropriated by this Act for the United States Information Agency, the Arms Control and Disarmament Agency, and the Department of State may be obligated and expended notwithstanding section 701 of the United States Information and

Educational Exchange Act of 1948 and section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 53 of the Arms Control and Disarmament Act, and section 15 of the State Department Basic Authorities Act of 1956.

SEC. 406. Section 36(a)(1) of the State Department Authorities Act of 1956, as amended (22 U.S.C. 2708), is amended to delete “may pay a reward” and insert in lieu thereof “shall establish and publicize a program under which rewards may be paid”.

20 USC 5205.  
20 USC 5203  
note.

SEC. 407. Sections 6(a) and 6(b) of Public Law 101-454 are repealed. In addition, notwithstanding any other provision of law, Eisenhower Exchange Fellowships, Incorporated, may use one-third of any earned but unused trust income from the period 1992 through 1995 for Fellowship purposes in each of fiscal years 1996 through 1998.

SEC. 408. It is the sense of the Senate that none of the funds appropriated or otherwise made available pursuant to this Act should be used for the deployment of combat-equipped forces of the Armed Forces of the United States for any ground operations in Bosnia and Herzegovina unless—

(1) Congress approves in advance the deployment of such forces of the Armed Forces; or

(2) the temporary deployment of such forces of the Armed Forces of the United States into Bosnia and Herzegovina is necessary to evacuate United Nations peacekeeping forces from a situation of imminent danger, to undertake emergency air rescue operations, or to provide for the airborne delivery of humanitarian supplies, and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than 48 hours after the initiation of the deployment.

SEC. 409. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this provision is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 410. Section 235 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) is amended by inserting “Tinian,” after “Sao Tome.”

SEC. 411. The appropriation for the Arms Control and Disarmament Agency in Public Law 103-317 (108 Stat. 1768) is amended by deleting after “until expended” the following: “only for activities related to the implementation of the Chemical Weapons Convention”: *Provided*, That amounts made available shall not be used to undertake new programs or to increase employment above levels on board at the time of enactment of this Act.

This title may be cited as the “Department of State and Related Agencies Appropriations Act, 1996”.

TITLE V—RELATED AGENCIES  
DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, \$162,610,000, to remain available until expended.

MARITIME NATIONAL SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States as determined by the Secretary of Defense in consultation with the Secretary of Transportation, \$46,000,000, to remain available until expended: *Provided*, That these funds will be available only upon enactment of an authorization for this program.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$66,600,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration, to be used for facility and ship maintenance, modernization and repair, conversion, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies and may be transferred to the Secretary of the Interior for use as provided in the National Maritime Heritage Act (Public Law 103-451): *Provided further*, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act of 1936, \$40,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed \$3,500,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and

make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

#### COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

##### SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, \$206,000, as authorized by Public Law 99-83, section 1303.

#### COMMISSION ON CIVIL RIGHTS

##### SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$8,750,000: *Provided*, That not to exceed \$50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairperson who is permitted 125 billable days.

#### COMMISSION ON IMMIGRATION REFORM

##### SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, \$1,894,000, to remain available until expended.

#### COMMISSION ON SECURITY AND COOPERATION IN EUROPE

##### SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$1,090,000, to remain available until expended as authorized by section 3 of Public Law 99-7.

## COMPETITIVENESS POLICY COUNCIL

## SALARIES AND EXPENSES

For necessary expenses of the Competitiveness Policy Council, \$50,000: *Provided*, That this shall be the final Federal payment to the Competitiveness Policy Council.

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), the Americans with Disabilities Act of 1990 and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; not to exceed \$26,500,000, for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; \$233,000,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds.

## FEDERAL COMMUNICATIONS COMMISSION

## SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-02; not to exceed \$600,000 for land and structure; not to exceed \$500,000 for improvement and care of grounds and repair to buildings; not to exceed \$4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; \$185,709,000, of which not to exceed \$300,000 shall remain available until September 30, 1997, for research and policy studies: *Provided*, That \$126,400,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at \$59,309,000: *Provided further*, That any offsetting collections received in excess of \$126,400,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996: *Provided further*, That the Commission shall amend its schedule of regulatory fees set forth in section 1.1153 of title 47, CFR, authorized by section 9 of title I of the Communications Act of 1934, as amended by: (1) striking "\$22,420" in the Annual Regulatory Fee column for VHF Commercial Markets 1 through 10 and inserting "\$32,000"; (2) striking "\$19,925" in the Annual Regulatory Fee column for VHF Commercial Markets 11 through 25 and inserting "\$26,000"; (3) striking

"\$14,950" in the Annual Regulatory Fee column for VHF Commercial Markets 26 through 50 and inserting "\$17,000"; (4) striking "\$9,975" in the Annual Regulatory Fee column for VHF Commercial Markets 51 through 100 and inserting "\$9,000"; (5) striking "\$6,225" in the Annual Regulatory Fee column for VHF Commercial Remaining Markets and inserting "\$2,500"; and (6) striking "\$17,925" in the Annual Regulatory Fee column for UHF Commercial Markets 1 through 10 and inserting "\$25,000"; (7) striking "\$15,950" in the Annual Regulatory Fee column for UHF Commercial Markets 11 through 25 and inserting "\$20,000"; (8) striking "\$11,950" in the Annual Regulatory Fee column for UHF Commercial Markets 26 through 50 and inserting "\$13,000"; (9) striking "\$7,975" in the Annual Regulatory Fee column for UHF Commercial Markets 51 through 100 and inserting "\$7,000"; and (10) striking "\$4,975" in the Annual Regulatory Fee column for UHF Commercial Remaining Markets and inserting "\$2,000": *Provided further*, That the Federal Communications Commission shall, not later than 30 days after receipt of a petition by WQED, Pittsburgh, determine, without conducting a rulemaking or other proceeding, whether to amend section 73.606 of Title 47, Code of Federal Regulations, by deleting the asterisk for the channel operating on 482-488 MHz in Pittsburgh, Pennsylvania, based on the public interest, the existing common ownership of two non-commercial broadcasting stations in Pittsburgh, the financial distress of the licensee, and the threat to the public of losing or impairing local public broadcasting service in the area: *Provided further*, That the Federal Communications Commission may solicit such comments as it deems necessary in making this determination: *Provided further*, That a<sup>1</sup> part of the determination, the Federal Communications Commission shall not be required, notwithstanding any other provision of law, to open the channel to general application, and may determine that the license therefor may be assigned by the licensee, subject to prompt approval of the proposed assignee by the Federal Communications Commission, and that the proceeds of the initial assignment of the license for such channel, or any portion thereof, shall be used solely in furtherance of noncommercial broadcast operations, or for such other purpose as the Federal Communications Commission may determine appropriate.

#### FEDERAL MARITIME COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-02; \$14,855,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

<sup>1</sup> Missing text, probably "as".

## FEDERAL TRADE COMMISSION

## SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses; \$79,568,000: *Provided*, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further*, That notwithstanding any other provision of law, not to exceed \$48,262,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from the General Fund estimated at not more than \$31,306,000, to remain available until expended: *Provided further*, That any fees received in excess of \$48,262,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102-242, 105 Stat. 2282-2285).

## JAPAN-UNITED STATES FRIENDSHIP COMMISSION

## JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission, as authorized by Public Law 94-118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, \$1,247,000; and an amount of Japanese currency not to exceed the equivalent of \$1,420,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94-118.

## LEGAL SERVICES CORPORATION

## PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$278,000,000, of which \$269,400,000 is for basic field programs and required independent audits carried out in accordance with section 509; \$1,500,000 is for the Office of the Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients in accordance with section 509 of this Act; and \$7,100,000 is for management and administration: *Provided*, That \$198,750,000 of the total amount provided under this heading for basic field programs shall not be available except for the competitive award of grants and contracts under section 503 of this Act.

## ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. (a) Funds appropriated under this Act to the Legal Services Corporation for basic field programs shall be distributed as follows:

(1) The Corporation shall define geographic areas and make the funds available for each geographic area on a per capita basis relative to the number of individuals in poverty determined by the Bureau of the Census to be within the geographic area, except as provided in paragraph (2)(B). Funds for such a geographic area may be distributed by the Corporation to 1 or more persons or entities eligible for funding under section 1006(a)(1)(A) of the Legal Services Corporation Act (42 U.S.C. 2996e(a)(1)(A)), subject to sections 502 and 504.

(2) Funds for grants from the Corporation, and contracts entered into by the Corporation for basic field programs, shall be allocated so as to provide—

(A) except as provided in subparagraph (B), an equal figure per individual in poverty for all geographic areas, as determined on the basis of the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code (or, in the case of the Republic of Palau, the Federated States of Micronesia, the Republic of the Marshall Islands, Alaska, Hawaii, and the United States Virgin Islands, on the basis of the adjusted population counts historically used as the basis for such determinations); and

(B) an additional amount for Native American communities that received assistance under the Legal Services Corporation Act for fiscal year 1995, so that the proportion of the funds appropriated to the Legal Services Corporation for basic field programs for fiscal year 1996 that is received by the Native American communities shall be not less than the proportion of such funds appropriated for fiscal year 1995 that was received by the Native American communities.

(b) As used in this section:

(1) The term “individual in poverty” means an individual who is a member of a family (of 1 or more members) with an income at or below the poverty line.

(2) The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

SEC. 502. None of the funds appropriated in this Act to the Legal Services Corporation shall be used by the Corporation to make a grant, or enter into a contract, for the provision of legal assistance unless the Corporation ensures that the person or entity receiving funding to provide such legal assistance is—

(1) a private attorney admitted to practice in a State or the District of Columbia;

(2) a qualified nonprofit organization, chartered under the laws of a State or the District of Columbia, that—

(A) furnishes legal assistance to eligible clients; and

(B) is governed by a board of directors or other governing body, the majority of which is comprised of attorneys who—

(i) are admitted to practice in a State or the District of Columbia; and

(ii) are appointed to terms of office on such board or body by the governing body of a State, county, or municipal bar association, the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance;

(3) a State or local government (without regard to section 1006(a)(1)(A)(ii) of the Legal Services Corporation Act (42 U.S.C. 2996e(a)(1)(A)(ii)); or

(4) a substate regional planning or coordination agency that serves a substate area and whose governing board is controlled by locally elected officials.

SEC. 503. (a)(1) Not later than April 1, 1996, the Legal Services Corporation shall implement a system of competitive awards of grants and contracts for all basic field programs, which shall apply to all such grants and contracts awarded by the Corporation after March 31, 1996, from funds appropriated in this Act.

(2) Any grant or contract awarded before April 1, 1996, by the Legal Services Corporation to a basic field program for 1996—

(A) shall not be for an amount greater than the amount required for the period ending March 31, 1996;

(B) shall terminate at the end of such period; and

(C) shall not be renewable except in accordance with the system implemented under paragraph (1).

(3) The amount of grants and contracts awarded before April 1, 1996, by the Legal Services Corporation for basic field programs for 1996 in any geographic area described in section 501 shall not exceed an amount equal to  $\frac{3}{12}$  of the total amount to be distributed for such programs for 1996 in such area.

(b) Not later than 60 days after the date of enactment of this Act, the Legal Services Corporation shall promulgate regulations to implement a competitive selection process for the recipients of such grants and contracts. Regulations.

(c) Such regulations shall specify selection criteria for the recipients, which shall include—

(1) a demonstration of a full understanding of the basic legal needs of the eligible clients to be served and a demonstration of the capability of serving the needs;

(2) the quality, feasibility, and cost effectiveness of a plan submitted by an applicant for the delivery of legal assistance to the eligible clients to be served; and

(3) the experience of the Legal Services Corporation with the applicant, if the applicant has previously received financial assistance from the Corporation, including the record of the applicant of past compliance with Corporation policies, practices, and restrictions.

(d) Such regulations shall ensure that timely notice regarding an opportunity to submit an application for such an award is published in periodicals of local and State bar associations and in at least 1 daily newspaper of general circulation in the area to be served by the person or entity receiving the award. Publication.

(e) No person or entity that was previously awarded a grant or contract by the Legal Services Corporation for the provision of legal assistance may be given any preference in the competitive selection process.

(f) For the purposes of the funding provided in this Act, rights under sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 42 U.S.C. 2996j) shall not apply.

SEC. 504. (a) None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity (which may be referred to in this section as a "recipient")—

(1) that makes available any funds, personnel, or equipment for use in advocating or opposing any plan or proposal, or represents any party or participates in any other way in litigation, that is intended to or has the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government, including influencing the timing or manner of the taking of a census;

(2) that attempts to influence the issuance, amendment, or revocation of any executive order, regulation, or other statement of general applicability and future effect by any Federal, State, or local agency;

(3) that attempts to influence any part of any adjudicatory proceeding of any Federal, State, or local agency if such part of the proceeding is designed for the formulation or modification of any agency policy of general applicability and future effect;

(4) that attempts to influence the passage or defeat of any legislation, constitutional amendment, referendum, initiative, or any similar procedure of the Congress or a State or local legislative body;

(5) that attempts to influence the conduct of oversight proceedings of the Corporation or any person or entity receiving financial assistance provided by the Corporation;

(6) that pays for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, administrative expense, or related expense, associated with an activity prohibited in this section;

(7) that initiates or participates in a class action suit;

(8) that files a complaint or otherwise initiates or participates in litigation against a defendant, or engages in a precomplaint settlement negotiation with a prospective defendant, unless—

(A) each plaintiff has been specifically identified, by name, in any complaint filed for purposes of such litigation or prior to the precomplaint settlement negotiation; and

(B) a statement or statements of facts written in English and, if necessary, in a language that the plaintiffs understand, that enumerate the particular facts known to the plaintiffs on which the complaint is based, have been signed by the plaintiffs, are kept on file by the recipient, and are made available to any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and to any auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation:

*Provided*, That upon establishment of reasonable cause that an injunction is necessary to prevent probable, serious harm to such potential plaintiff, a court of competent jurisdiction may enjoin the disclosure of the identity of any potential plaintiff pending the outcome of such litigation or negotiations after notice and an opportunity for a hearing is provided to potential parties to the litigation or the negotiations: *Provided further*, That other parties to the litigation or negotiation shall have access to the statement of facts referred to in subparagraph (B) only through the discovery process after litigation has begun;

(9) unless—

(A) prior to the provision of financial assistance—

(i) if the person or entity is a nonprofit organization, the governing board of the person or entity has set specific priorities in writing, pursuant to section 1007(a)(2)(C)(i) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)(C)(i)), of the types of matters and cases to which the staff of the nonprofit organization shall devote time and resources; and

(ii) the staff of such person or entity has signed a written agreement not to undertake cases or matters other than in accordance with the specific priorities set by such governing board, except in emergency situations defined by such board and in accordance with the written procedures of such board for such situations; and

(B) the staff of such person or entity provides to the governing board on a quarterly basis, and to the Corporation on an annual basis, information on all cases or matters undertaken other than cases or matters undertaken in accordance with such priorities;

(10) unless—

(A) prior to receiving the financial assistance, such person or entity agrees to maintain records of time spent on each case or matter with respect to which the person or entity is engaged;

(B) any funds, including Interest on Lawyers Trust Account funds, received from a source other than the Corporation by the person or entity, and disbursements of such funds, are accounted for and reported as receipts and disbursements, respectively, separate and distinct from Corporation funds; and

(C) the person or entity agrees (notwithstanding section 1006(b)(3) of the Legal Services Corporation Act (42 U.S.C. 2996e(b)(3))) to make the records described in this paragraph available to any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and to any independent auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation;

(11) that provides legal assistance for or on behalf of any alien, unless the alien is present in the United States and is—

(A) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(B) an alien who—

(i) is married to a United States citizen or is a parent or an unmarried child under the age of 21 years of such a citizen; and

(ii) has filed an application to adjust the status of the alien to the status of a lawful permanent resident under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), which application has not been rejected;

(C) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) (relating to refugee admission) or who has been granted asylum by the Attorney General under such Act;

(D) an alien who is lawfully present in the United States as a result of withholding of deportation by the Attorney General pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));

(E) an alien to whom section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note) applies, but only to the extent that the legal assistance provided is the legal assistance described in such section; or

(F) an alien who is lawfully present in the United States as a result of being granted conditional entry to the United States before April 1, 1980, pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)), as in effect on March 31, 1980, because of persecution or fear of persecution on account of race, religion, or political calamity;

(12) that supports or conducts a training program for the purpose of advocating a particular public policy or encouraging a political activity, a labor or antilabor activity, a boycott, picketing, a strike, or a demonstration, including the dissemination of information about such a policy or activity, except that this paragraph shall not be construed to prohibit the provision of training to an attorney or a paralegal to prepare the attorney or paralegal to provide—

(A) adequate legal assistance to eligible clients; or

(B) advice to any eligible client as to the legal rights of the client;

(13) that claims (or whose employee claims), or collects and retains, attorneys' fees pursuant to any Federal or State law permitting or requiring the awarding of such fees;

(14) that participates in any litigation with respect to abortion;

(15) that participates in any litigation on behalf of a person incarcerated in a Federal, State, or local prison;

(16) that initiates legal representation or participates in any other way, in litigation, lobbying, or rulemaking, involving an effort to reform a Federal or State welfare system, except that this paragraph shall not be construed to preclude a recipient from representing an individual eligible client who is seeking specific relief from a welfare agency if such relief does

not involve an effort to amend or otherwise challenge existing law in effect on the date of the initiation of the representation;

(17) that defends a person in a proceeding to evict the person from a public housing project if—

Public housing.

(A) the person has been charged with the illegal sale or distribution of a controlled substance; and

(B) the eviction proceeding is brought by a public housing agency because the illegal drug activity of the person threatens the health or safety of another tenant residing in the public housing project or employee of the public housing agency;

(18) unless such person or entity agrees that the person or entity, and the employees of the person or entity, will not accept employment resulting from in-person unsolicited advice to a nonattorney that such nonattorney should obtain counsel or take legal action, and will not refer such nonattorney to another person or entity or an employee of the person or entity, that is receiving financial assistance provided by the Corporation; or

(19) unless such person or entity enters into a contractual agreement to be subject to all provisions of Federal law relating to the proper use of Federal funds, the violation of which shall render any grant or contractual agreement to provide funding null and void, and, for such purposes, the Corporation shall be considered to be a Federal agency and all funds provided by the Corporation shall be considered to be Federal funds provided by grant or contract.

(b) Nothing in this section shall be construed to prohibit a recipient from using funds from a source other than the Legal Services Corporation for the purpose of contacting, communicating with, or responding to a request from, a State or local government agency, a State or local legislative body or committee, or a member thereof, regarding funding for the recipient, including a pending or proposed legislative or agency proposal to fund such recipient.

(c) Not later than 30 days after the date of enactment of this Act, the Legal Services Corporation shall promulgate a suggested list of priorities that boards of directors may use in setting priorities under subsection (a)(9).

(d)(1) The Legal Services Corporation shall not accept any non-Federal funds, and no recipient shall accept funds from any source other than the Corporation, unless the Corporation or the recipient, as the case may be, notifies in writing the source of the funds that the funds may not be expended for any purpose prohibited by the Legal Services Corporation Act or this title.

(2) Paragraph (1) shall not prevent a recipient from—

(A) receiving Indian tribal funds (including funds from private nonprofit organizations for the benefit of Indians or Indian tribes) and expending the tribal funds in accordance with the specific purposes for which the tribal funds are provided; or

(B) using funds received from a source other than the Legal Services Corporation to provide legal assistance to a covered individual if such funds are used for the specific purposes for which such funds were received, except that such funds may not be expended by recipients for any purpose prohibited by this Act or by the Legal Services Corporation Act.

(e) Nothing in this section shall be construed to prohibit a recipient from using funds derived from a source other than the Legal Services Corporation to comment on public rulemaking or to respond to a written request for information or testimony from a Federal, State or local agency, legislative body or committee, or a member of such an agency, body, or committee, so long as the response is made only to the parties that make the request and the recipient does not arrange for the request to be made.

(f) As used in this section:

(1) The term "controlled substance" has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) The term "covered individual" means any person who—

(A) except as provided in subparagraph (B), meets the requirements of this Act and the Legal Services Corporation Act relating to eligibility for legal assistance; and

(B) may or may not be financially unable to afford legal assistance.

(3) The term "public housing project" has the meaning as used within, and the term "public housing agency" has the meaning given the term, in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).

SEC. 505. None of the funds appropriated in this Act to the Legal Services Corporation or provided by the Corporation to any entity or person may be used to pay membership dues to any private or nonprofit organization.

SEC. 506. None of the funds appropriated in this Act to the Legal Services Corporation may be used by any person or entity receiving financial assistance from the Corporation to file or pursue a lawsuit against the Corporation.

SEC. 507. None of the funds appropriated in this Act to the Legal Services Corporation may be used for any purpose prohibited or contrary to any of the provisions of authorization legislation for fiscal year 1996 for the Legal Services Corporation that is enacted into law. Upon the enactment of such Legal Services Corporation reauthorization legislation, funding provided in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

SEC. 508. (a) The requirements of section 504 shall apply to the activities of a recipient described in section 504, or an employee of such a recipient, during the provision of legal assistance for a case or matter, if the recipient or employee begins to provide the legal assistance on or after the date of enactment of this Act.

(b) If the recipient or employee began to provide legal assistance for the case or matter prior to the date of enactment of this Act—

(1) each of the requirements of section 504 (other than paragraphs (7), (11), (13), and (15) of subsection (a) of such section) shall, beginning on the date of enactment of this Act, apply to the activities of the recipient or employee during the provision of legal assistance for the case or matter;

(2) the requirements of paragraphs (7), (11), and (15) of section 504(a) shall apply—

(A) beginning on the date of enactment of this Act, to the activities of the recipient or employee during the provision of legal assistance for any additional related claim

for which the recipient or employee begins to provide legal assistance on or after such date; and

(B) beginning August 1, 1996, to all other activities of the recipient or employee during the provision of legal assistance for the case or matter; and

(3) the requirements of paragraph (13) of section 504(a)—

(A) shall apply beginning on the date of enactment of this Act to the activities of the recipient or employee during the provision of legal assistance for any additional related claim for which the recipient or employee begins to provide legal assistance on or after such date; and

(B) shall not apply to all other activities of the recipient or employee during the provision of legal assistance for the case or matter.

(c) The Legal Services Corporation shall, every 60 days, submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth the status of cases and matters referred to in subsection (b)(2).

Reports.

SEC. 509. (a) An audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act (referred to in this section as a "recipient") shall be conducted in accordance with generally accepted government auditing standards and guidance established by the Office of the Inspector General and shall report whether—

Audits.

(1) the financial statements of the recipient present fairly its financial position and the results of its financial operations in accordance with generally accepted accounting principles;

(2) the recipient has internal control systems to provide reasonable assurance that it is managing funds, regardless of source, in compliance with Federal laws and regulations; and

(3) the recipient has complied with Federal laws and regulations applicable to funds received, regardless of source.

(b) In carrying out the requirements of subsection (a)(3), the auditor shall select and test a representative number of transactions and report all instances of noncompliance to the recipient. The recipient shall report in writing any noncompliance found by the auditor during the audit under this section within 5 business days to the Office of the Inspector General and shall provide a copy of the report simultaneously to the auditor. If the recipient fails to report the noncompliance, the auditor shall report the noncompliance directly to the Office of the Inspector General within 5 business days of the recipient's failure to report. The auditor shall not be liable in a private action for any finding, conclusion, or statement expressed in a report made pursuant to this section.

(c) The audits required under this section shall be provided for by the recipients and performed by independent public accountants. The cost of such audits shall be shared on a pro rata basis among all of the recipient's funding providers and the appropriate share shall be an allowable charge to the Federal funds provided by the Legal Services Corporation. No audit costs may be charged to the Federal funds when the audit required by this section has not been made in accordance with the guidance promulgated by the Office of the Inspector General.

If the recipient fails to have an acceptable audit in accordance with the guidance promulgated by the Office of the Inspector Gen-

eral, the following sanctions shall be available to the Corporation as recommended by the Office of the Inspector General:

(1) The withholding of a percentage of the recipient's funding until the audit is completed satisfactorily.

(2) The suspension of recipient's funding until an acceptable audit is completed.

(d) The Office of the Inspector General may remove, suspend, or bar an independent public accountant, upon a showing of good cause, from performing audit services required by this section. Any such action to remove, suspend, or bar an auditor shall be only after notice to the auditor and an opportunity for hearing. The Office of the Inspector General shall develop and issue rules of practice to implement this paragraph.

(e) Any independent public accountant performing an audit under this section who subsequently ceases to be the accountant for the recipient shall promptly notify the Office of the Inspector General pursuant to such rules as the Office of the Inspector General shall prescribe.

(f) Audits conducted in accordance with this section shall be in lieu of the financial audits otherwise required by section 1009(c) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)).

(g) The Office of the Inspector General is authorized to conduct on-site monitoring, audits, and inspections in accordance with Federal standards.

(h) Notwithstanding section 1006(b)(3) of the Legal Services Corporation Act (42 U.S.C. 2996e(b)(3)), financial records, time records, retainer agreements, client trust fund and eligibility records, and client names, for each recipient shall be made available to any auditor or monitor of the recipient, including any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and any independent auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation, except for reports or records subject to the attorney-client privilege.

(i) The Legal Services Corporation shall not disclose any name or document referred to in subsection (h), except to—

(1) a Federal, State, or local law enforcement official; or

(2) an official of an appropriate bar association for the purpose of enabling the official to conduct an investigation of a rule of professional conduct.

(j) The recipient management shall be responsible for expeditiously resolving all reported audit reportable conditions, findings, and recommendations, including those of sub-recipients.

(k) The Legal Services Corporation shall—

(1) follow up on significant reportable conditions, findings, and recommendations found by the independent public accountants and reported to Corporation management by the Office of the Inspector General to ensure that instances of deficiencies and noncompliance are resolved in a timely manner, and

(2) Develop procedures to ensure effective follow-up that meet at a minimum the requirements of Office of Management and Budget Circular Number A-50.

(l) The requirements of this section shall apply to a recipient for its first fiscal year beginning on or after January 1, 1996.

## MARINE MAMMAL COMMISSION

## SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, \$1,190,000.

## MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

## SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98-399, as amended, \$350,000: *Provided*, That this shall be the final Federal payment to the Martin Luther King, Jr. Federal Holiday Commission for operations and necessary closing costs. Termination.

## OUNCE OF PREVENTION COUNCIL

For activities authorized by sections 30101 and 30102 of Public Law 103-322 (including administrative costs), \$1,500,000, to remain available until expended, for the Ounce of Prevention Grant Program: *Provided*, That the Council may accept and use gifts and donations, both real and personal, for the purpose of aiding or facilitating the authorized activities of the Council, of which not to exceed \$5,000 may be used for official reception and representation expenses.

## SECURITIES AND EXCHANGE COMMISSION

## SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,000 for official reception and representation expenses, \$287,738,000, of which \$3,000,000 is for the Office of Economic Analysis, to be headed by the Chief Economist of the Commission, and of which not to exceed \$10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel and transportation to or from such meetings, and (iii) any other related lodging or subsistence: *Provided*, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of one percentum to one-twenty-ninth of one percentum,

15 USC 77f note.

and such increase shall be deposited as an offsetting collection to this appropriation, to remain available until expended, to recover costs of services of the securities registration process: *Provided further*, That the total amount appropriated for fiscal year 1996 under this heading shall be reduced as such fees are deposited to this appropriation so as to result in a final total fiscal year 1996 appropriation from the General Fund estimated at not more than \$103,445,000: *Provided further*, That any such fees collected in excess of \$184,293,000 shall remain available until expended but shall not be available for obligation until October 1, 1996: *Provided further*, That \$1,000,000 of the funds appropriated for the Commission shall be available for the enforcement of the Investment Advisers Act of 1940 in addition to any other appropriated funds designated by the Commission for enforcement of such Act.

#### SMALL BUSINESS ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103-403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$219,190,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

##### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), \$8,500,000.

##### BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$4,500,000, and for the cost of guaranteed loans, \$156,226,000, as authorized by 15 U.S.C. 631 note, of which \$1,216,000, to be available until expended, shall be for the Microloan Guarantee Program, and of which \$40,510,000 shall remain available until September 30, 1997: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 1996, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(n)(2)(B) of the Small Business Act, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$92,622,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

## DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, \$34,432,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, \$71,578,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

## SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, \$2,530,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

## ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

SEC. 510. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

## STATE JUSTICE INSTITUTE

## SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by The State Justice Institute Authorization Act of 1992 (Public Law 102-572 (106 Stat. 4515-4516)), \$5,000,000 to remain available until expended: *Provided*, That not to exceed \$2,500 shall be available for official reception and representation expenses.

## TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605 (a) None of the funds provided under this Act, or provided under previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for (1) opening or operating any United States

diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995, unless the President certifies within 60 days, based upon all information available to the United States Government that the Government of the Socialist Republic of Vietnam is cooperating in full faith with the United States in the following four areas:

- (1) Resolving discrepancy cases, live sightings and field activities,
- (2) Recovering and repatriating American remains,
- (3) Accelerating efforts to provide documents that will help lead to fullest possible accounting of POW/MIA's,
- (4) Providing further assistance in implementing trilateral investigations with Laos.

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds (1) that the United Nations undertaking is a peacekeeping mission, (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national, and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

- (1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;
- (2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;
- (3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;
- (4) possession of in-cell coffee pots, hot plates, or heating elements; or
- (5) the use or possession of any electric or electronic musical instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading "Fleet Modernization, Shipbuilding and Conversion" may be used to implement sections 603, 604, and 605 of Public Law 102-567.

SEC. 613. None of the funds made available in this Act may be used for "USIA Television Marti Program" under the Television Broadcasting to Cuba Act or any other program of United States Government television broadcasts to Cuba, when it is made known to the Federal official having authority to obligate or expend such funds that such use would be inconsistent with the applicable

provisions of the March 1995 Office of Cuba Broadcasting Reinventing Plan of the United States Information Agency.

SEC. 614. (a)(1) Section 5002 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 401 of title 18, United States Code, is amended by striking out the item relating to the Advisory Corrections Council.

(b) This section shall take effect 30 days after the date of the enactment of this Act.

Effective date.  
18 USC 5002  
note.

SEC. 615. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this provision is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 616. Notwithstanding section 106 of Public Law 104-91, the general provisions for the Department of Justice that were included in the conference report to accompany H.R. 2076 and were identified in the amendment to Public Law 104-91 made by section 211 of Public Law 104-99 shall continue to remain in effect as enacted into law.

SEC. 617. Upon enactment of this Act, the provisions of section 201(a) of Public Law 104-99 are superseded.

## TITLE VII—RESCISSIONS

### DEPARTMENT OF JUSTICE

#### GENERAL ADMINISTRATION

##### WORKING CAPITAL FUND

##### (RESCISSION)

Of the unobligated balances available under this heading, \$65,000,000 are rescinded.

### DEPARTMENT OF STATE

#### ADMINISTRATION OF FOREIGN AFFAIRS

##### ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

##### (RESCISSION)

Of the unobligated balances available under this heading, \$64,500,000 are rescinded.

## RELATED AGENCIES

## UNITED STATES INFORMATION AGENCY

## RADIO CONSTRUCTION

## (RESCISSION)

Of the unobligated balances available under this heading, \$7,400,000 are rescinded.

## TITLE VIII—PRISON LITIGATION REFORM

## SEC. 801. SHORT TITLE.

This title may be cited as the “Prison Litigation Reform Act of 1995”.

Prison Litigation  
Reform Act of  
1995.  
18 USC 3601  
note.

## SEC. 802. APPROPRIATE REMEDIES FOR PRISON CONDITIONS.

(a) IN GENERAL.—Section 3626 of title 18, United States Code, is amended to read as follows:

**“§ 3626. Appropriate remedies with respect to prison conditions**

“(a) REQUIREMENTS FOR RELIEF.—

“(1) PROSPECTIVE RELIEF.—(A) Prospective relief in any civil action with respect to prison conditions shall extend no further than necessary to correct the violation of the Federal right of a particular plaintiff or plaintiffs. The court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right. The court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief.

“(B) The court shall not order any prospective relief that requires or permits a government official to exceed his or her authority under State or local law or otherwise violates State or local law, unless—

“(i) Federal law permits such relief to be ordered in violation of State or local law;

“(ii) the relief is necessary to correct the violation of a Federal right; and

“(iii) no other relief will correct the violation of the Federal right.

“(C) Nothing in this section shall be construed to authorize the courts, in exercising their remedial powers, to order the construction of prisons or the raising of taxes, or to repeal or detract from otherwise applicable limitations on the remedial powers of the courts.

“(2) PRELIMINARY INJUNCTIVE RELIEF.—In any civil action with respect to prison conditions, to the extent otherwise authorized by law, the court may enter a temporary restraining order or an order for preliminary injunctive relief. Preliminary injunctive relief must be narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm. The court shall give substantial weight

to any adverse impact on public safety or the operation of a criminal justice system caused by the preliminary relief and shall respect the principles of comity set out in paragraph (1)(B) in tailoring any preliminary relief. Preliminary injunctive relief shall automatically expire on the date that is 90 days after its entry, unless the court makes the findings required under subsection (a)(1) for the entry of prospective relief and makes the order final before the expiration of the 90-day period.

“(3) PRISONER RELEASE ORDER.—(A) In any civil action with respect to prison conditions, no prisoner release order shall be entered unless—

“(i) a court has previously entered an order for less intrusive relief that has failed to remedy the deprivation of the Federal right sought to be remedied through the prisoner release order; and

“(ii) the defendant has had a reasonable amount of time to comply with the previous court orders.

“(B) In any civil action in Federal court with respect to prison conditions, a prisoner release order shall be entered only by a three-judge court in accordance with section 2284 of title 28, if the requirements of subparagraph (E) have been met.

“(C) A party seeking a prisoner release order in Federal court shall file with any request for such relief, a request for a three-judge court and materials sufficient to demonstrate that the requirements of subparagraph (A) have been met.

“(D) If the requirements under subparagraph (A) have been met, a Federal judge before whom a civil action with respect to prison conditions is pending who believes that a prisoner release order should be considered may sua sponte request the convening of a three-judge court to determine whether a prisoner release order should be entered.

“(E) The three-judge court shall enter a prisoner release order only if the court finds by clear and convincing evidence that—

“(i) crowding is the primary cause of the violation of a Federal right; and

“(ii) no other relief will remedy the violation of the Federal right.

“(F) Any State or local official or unit of government whose jurisdiction or function includes the appropriation of funds for the construction, operation, or maintenance of program facilities, or the prosecution or custody of persons who may be released from, or not admitted to, a prison as a result of a prisoner release order shall have standing to oppose the imposition or continuation in effect of such relief and to seek termination of such relief, and shall have the right to intervene in any proceeding relating to such relief.

“(b) TERMINATION OF RELIEF.—

“(1) TERMINATION OF PROSPECTIVE RELIEF.—(A) In any civil action with respect to prison conditions in which prospective relief is ordered, such relief shall be terminable upon the motion of any party or intervener—

“(i) 2 years after the date the court granted or approved the prospective relief;

“(ii) 1 year after the date the court has entered an order denying termination of prospective relief under this paragraph; or

“(iii) in the case of an order issued on or before the date of enactment of the Prison Litigation Reform Act, 2 years after such date of enactment.

“(B) Nothing in this section shall prevent the parties from agreeing to terminate or modify relief before the relief is terminated under subparagraph (A).

“(2) IMMEDIATE TERMINATION OF PROSPECTIVE RELIEF.—In any civil action with respect to prison conditions, a defendant or intervenor shall be entitled to the immediate termination of any prospective relief if the relief was approved or granted in the absence of a finding by the court that the relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right.

“(3) LIMITATION.—Prospective relief shall not terminate if the court makes written findings based on the record that prospective relief remains necessary to correct a current or ongoing violation of the Federal right, extends no further than necessary to correct the violation of the Federal right, and that the prospective relief is narrowly drawn and the least intrusive means to correct the violation.

“(4) TERMINATION OR MODIFICATION OF RELIEF.—Nothing in this section shall prevent any party or intervenor from seeking modification or termination before the relief is terminable under paragraph (1) or (2), to the extent that modification or termination would otherwise be legally permissible.

“(c) SETTLEMENTS.—

“(1) CONSENT DECREES.—In any civil action with respect to prison conditions, the court shall not enter or approve a consent decree unless it complies with the limitations on relief set forth in subsection (a).

“(2) PRIVATE SETTLEMENT AGREEMENTS.—(A) Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with the limitations on relief set forth in subsection (a), if the terms of that agreement are not subject to court enforcement other than the reinstatement of the civil proceeding that the agreement settled.

“(B) Nothing in this section shall preclude any party claiming that a private settlement agreement has been breached from seeking in State court any remedy available under State law.

“(d) STATE LAW REMEDIES.—The limitations on remedies in this section shall not apply to relief entered by a State court based solely upon claims arising under State law.

“(e) PROCEDURE FOR MOTIONS AFFECTING PROSPECTIVE RELIEF.—

“(1) GENERALLY.—The court shall promptly rule on any motion to modify or terminate prospective relief in a civil action with respect to prison conditions.

“(2) AUTOMATIC STAY.—Any prospective relief subject to a pending motion shall be automatically stayed during the period—

“(A)(i) beginning on the 30th day after such motion is filed, in the case of a motion made under paragraph (1) or (2) of subsection (b); or

“(ii) beginning on the 180th day after such motion is filed, in the case of a motion made under any other law; and

“(B) ending on the date the court enters a final order ruling on the motion.

“(f) SPECIAL MASTERS.—

“(1) IN GENERAL.—(A) In any civil action in a Federal court with respect to prison conditions, the court may appoint a special master who shall be disinterested and objective and who will give due regard to the public safety, to conduct hearings on the record and prepare proposed findings of fact.

“(B) The court shall appoint a special master under this subsection during the remedial phase of the action only upon a finding that the remedial phase will be sufficiently complex to warrant the appointment.

“(2) APPOINTMENT.—(A) If the court determines that the appointment of a special master is necessary, the court shall request that the defendant institution and the plaintiff each submit a list of not more than 5 persons to serve as a special master.

“(B) Each party shall have the opportunity to remove up to 3 persons from the opposing party's list.

“(C) The court shall select the master from the persons remaining on the list after the operation of subparagraph (B).

“(3) INTERLOCUTORY APPEAL.—Any party shall have the right to an interlocutory appeal of the judge's selection of the special master under this subsection, on the ground of partiality.

“(4) COMPENSATION.—The compensation to be allowed to a special master under this section shall be based on an hourly rate not greater than the hourly rate established under section 3006A for payment of court-appointed counsel, plus costs reasonably incurred by the special master. Such compensation and costs shall be paid with funds appropriated to the Judiciary.

“(5) REGULAR REVIEW OF APPOINTMENT.—In any civil action with respect to prison conditions in which a special master is appointed under this subsection, the court shall review the appointment of the special master every 6 months to determine whether the services of the special master continue to be required under paragraph (1). In no event shall the appointment of a special master extend beyond the termination of the relief.

“(6) LIMITATIONS ON POWERS AND DUTIES.—A special master appointed under this subsection—

“(A) may be authorized by a court to conduct hearings and prepare proposed findings of fact, which shall be made on the record;

“(B) shall not make any findings or communications ex parte;

“(C) may be authorized by a court to assist in the development of remedial plans; and

“(D) may be removed at any time, but shall be relieved of the appointment upon the termination of relief.

“(g) DEFINITIONS.—As used in this section—

“(1) the term ‘consent decree’ means any relief entered by the court that is based in whole or in part upon the consent or acquiescence of the parties but does not include private settlements;

“(2) the term ‘civil action with respect to prison conditions’ means any civil proceeding arising under Federal law with respect to the conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison, but does not include habeas corpus proceedings challenging the fact or duration of confinement in prison;

“(3) the term ‘prisoner’ means any person subject to incarceration, detention, or admission to any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program;

“(4) the term ‘prisoner release order’ includes any order, including a temporary restraining order or preliminary injunctive relief, that has the purpose or effect of reducing or limiting the prison population, or that directs the release from or non-admission of prisoners to a prison;

“(5) the term ‘prison’ means any Federal, State, or local facility that incarcerates or detains juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law;

“(6) the term ‘private settlement agreement’ means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil proceeding that the agreement settled;

“(7) the term ‘prospective relief’ means all relief other than compensatory monetary damages;

“(8) the term ‘special master’ means any person appointed by a Federal court pursuant to Rule 53 of the Federal Rules of Civil Procedure or pursuant to any inherent power of the court to exercise the powers of a master, regardless of the title or description given by the court; and

“(9) the term ‘relief’ means all relief in any form that may be granted or approved by the court, and includes consent decrees but does not include private settlement agreements.”.

(b) APPLICATION OF AMENDMENT.—

(1) IN GENERAL.—Section 3626 of title 18, United States Code, as amended by this section, shall apply with respect to all prospective relief whether such relief was originally granted or approved before, on, or after the date of the enactment of this title. 18 USC 3626  
note.

(2) TECHNICAL AMENDMENT.—Subsections (b) and (d) of section 20409 of the Violent Crime Control and Law Enforcement Act of 1994 are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter C of chapter 229 of title 18, United States Code, is amended to read as follows: 18 USC 3626  
note.

“3626. Appropriate remedies with respect to prison conditions.”.

**SEC. 803. AMENDMENTS TO CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.**

(a) INITIATION OF CIVIL ACTIONS.—Section 3(c) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997a(c)) (referred to in this section as the “Act”) is amended to read as follows:

“(c) The Attorney General shall personally sign any complaint filed pursuant to this section.”.

(b) CERTIFICATION REQUIREMENTS.—Section 4 of the Act (42 U.S.C. 1997b) is amended—

(1) in subsection (a)—

(A) by striking “he” each place it appears and inserting “the Attorney General”; and

(B) by striking “his” and inserting “the Attorney General’s”; and

(2) by amending subsection (b) to read as follows:

“(b) The Attorney General shall personally sign any certification made pursuant to this section.”.

(c) INTERVENTION IN ACTIONS.—Section 5 of the Act (42 U.S.C. 1997c) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “he” each place it appears and inserting “the Attorney General”; and

(B) by amending paragraph (2) to read as follows:

“(2) The Attorney General shall personally sign any certification made pursuant to this section.”; and

(2) by amending subsection (c) to read as follows:

“(c) The Attorney General shall personally sign any motion to intervene made pursuant to this section.”.

(d) SUITS BY PRISONERS.—Section 7 of the Act (42 U.S.C. 1997e) is amended to read as follows:

#### “SEC. 7. SUITS BY PRISONERS.

“(a) APPLICABILITY OF ADMINISTRATIVE REMEDIES.—No action shall be brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.

“(b) FAILURE OF STATE TO ADOPT OR ADHERE TO ADMINISTRATIVE GRIEVANCE PROCEDURE.—The failure of a State to adopt or adhere to an administrative grievance procedure shall not constitute the basis for an action under section 3 or 5 of this Act.

“(c) DISMISSAL.—(1) The court shall on its own motion or on the motion of a party dismiss any action brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility if the court is satisfied that the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief.

“(2) In the event that a claim is, on its face, frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief, the court may dismiss the underlying claim without first requiring the exhaustion of administrative remedies.

“(d) ATTORNEY’S FEES.—(1) In any action brought by a prisoner who is confined to any jail, prison, or other correctional facility, in which attorney’s fees are authorized under section 2 of the Revised Statutes of the United States (42 U.S.C. 1988), such fees shall not be awarded, except to the extent that—

“(A) the fee was directly and reasonably incurred in proving an actual violation of the plaintiff’s rights protected by a statute

pursuant to which a fee may be awarded under section 2 of the Revised Statutes; and

“(B)(i) the amount of the fee is proportionately related to the court ordered relief for the violation; or

“(ii) the fee was directly and reasonably incurred in enforcing the relief ordered for the violation.

“(2) Whenever a monetary judgment is awarded in an action described in paragraph (1), a portion of the judgment (not to exceed 25 percent) shall be applied to satisfy the amount of attorney’s fees awarded against the defendant. If the award of attorney’s fees is not greater than 150 percent of the judgment, the excess shall be paid by the defendant.

“(3) No award of attorney’s fees in an action described in paragraph (1) shall be based on an hourly rate greater than 150 percent of the hourly rate established under section 3006A of title 18, United States Code, for payment of court-appointed counsel.

“(4) Nothing in this subsection shall prohibit a prisoner from entering into an agreement to pay an attorney’s fee in an amount greater than the amount authorized under this subsection, if the fee is paid by the individual rather than by the defendant pursuant to section 2 of the Revised Statutes of the United States (42 U.S.C. 1988).

“(e) LIMITATION ON RECOVERY.—No Federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury.

“(f) HEARINGS.—(1) To the extent practicable, in any action brought with respect to prison conditions in Federal court pursuant to section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility, pretrial proceedings in which the prisoner’s participation is required or permitted shall be conducted by telephone, video conference, or other telecommunications technology without removing the prisoner from the facility in which the prisoner is confined.

“(2) Subject to the agreement of the official of the Federal, State, or local unit of government with custody over the prisoner, hearings may be conducted at the facility in which the prisoner is confined. To the extent practicable, the court shall allow counsel to participate by telephone, video conference, or other communications technology in any hearing held at the facility.

“(g) WAIVER OF REPLY.—(1) Any defendant may waive the right to reply to any action brought by a prisoner confined in any jail, prison, or other correctional facility under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) or any other Federal law. Notwithstanding any other law or rule of procedure, such waiver shall not constitute an admission of the allegations contained in the complaint. No relief shall be granted to the plaintiff unless a reply has been filed.

“(2) The court may require any defendant to reply to a complaint brought under this section if it finds that the plaintiff has a reasonable opportunity to prevail on the merits.

“(h) DEFINITION.—As used in this section, the term ‘prisoner’ means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.”

(e) REPORT TO CONGRESS.—Section 8 of the Act (42 U.S.C. 1997f) is amended by striking “his report” and inserting “the report”.

(f) NOTICE TO FEDERAL DEPARTMENTS.—Section 10 of the Act (42 U.S.C. 1997h) is amended—

(1) by striking “his action” and inserting “the action”; and

(2) by striking “he is satisfied” and inserting “the Attorney General is satisfied”.

#### SEC. 804. PROCEEDINGS IN FORMA PAUPERIS.

(a) FILING FEES.—Section 1915 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “(a) Any” and inserting “(a)(1) Subject to subsection (b), any”;

(B) by striking “and costs”;

(C) by striking “makes affidavit” and inserting “submits an affidavit that includes a statement of all assets such prisoner possesses”;

(D) by striking “such costs” and inserting “such fees”;

(E) by striking “he” each place it appears and inserting “the person”;

(F) by adding immediately after paragraph (1), the following new paragraph:

“(2) A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.”; and

(G) by striking “An appeal” and inserting “(3) An appeal”;

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting after subsection (a) the following new subsection:

“(b)(1) Notwithstanding subsection (a), if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee. The court shall assess and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of—

“(A) the average monthly deposits to the prisoner’s account;

or

“(B) the average monthly balance in the prisoner’s account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.

“(2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month’s income credited to the prisoner’s account. The agency having custody of the prisoner shall forward payments from the prisoner’s account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid.

“(3) In no event shall the filing fee collected exceed the amount of fees permitted by statute for the commencement of a civil action or an appeal of a civil action or criminal judgment.

“(4) In no event shall a prisoner be prohibited from bringing a civil action or appealing a civil or criminal judgment for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee.”;

(4) in subsection (c), as redesignated by paragraph (2), by striking “subsection (a) of this section” and inserting “subsections (a) and (b) and the prepayment of any partial filing fee as may be required under subsection (b)”;

(5) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

“(e)(1) The court may request an attorney to represent any person unable to afford counsel.

“(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that—

“(A) the allegation of poverty is untrue; or

“(B) the action or appeal—

“(i) is frivolous or malicious;

“(ii) fails to state a claim on which relief may be granted; or

“(iii) seeks monetary relief against a defendant who is immune from such relief.”.

(b) EXCEPTION TO DISCHARGE OF DEBT IN BANKRUPTCY PROCEEDING.—Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (16), by striking the period at the end and inserting “; or”; and

(2) by adding at the end the following new paragraph:

“(17) for a fee imposed by a court for the filing of a case, motion, complaint, or appeal, or for other costs and expenses assessed with respect to such filing, regardless of an assertion of poverty by the debtor under section 1915 (b) or (f) of title 28, or the debtor’s status as a prisoner, as defined in section 1915(h) of title 28.”.

(c) COSTS.—Section 1915(f) of title 28, United States Code (as redesignated by subsection (a)(2)), is amended—

(1) by striking “(f) Judgment” and inserting “(f)(1) Judgment”;

(2) by striking “cases” and inserting “proceedings”; and

(3) by adding at the end the following new paragraph:

“(2)(A) If the judgment against a prisoner includes the payment of costs under this subsection, the prisoner shall be required to pay the full amount of the costs ordered.

“(B) The prisoner shall be required to make payments for costs under this subsection in the same manner as is provided for filing fees under subsection (a)(2).

“(C) In no event shall the costs collected exceed the amount of the costs ordered by the court.”.

(d) SUCCESSIVE CLAIMS.—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

“(g) In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court

of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.”

(e) DEFINITION.—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

“(h) As used in this section, the term ‘prisoner’ means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.”

#### SEC. 805. JUDICIAL SCREENING.

(a) IN GENERAL.—Chapter 123 of title 28, United States Code, is amended by inserting after section 1915 the following new section:

##### “§ 1915A. Screening

“(a) SCREENING.—The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.

“(b) GROUNDS FOR DISMISSAL.—On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint—

“(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or

“(2) seeks monetary relief from a defendant who is immune from such relief.

“(c) DEFINITION.—As used in this section, the term ‘prisoner’ means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.”

(b) TECHNICAL AMENDMENT.—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1915 the following new item:

“1915A. Screening.”

#### SEC. 806. FEDERAL TORT CLAIMS.

Section 1346(b) of title 28, United States Code, is amended—

(1) by striking “(b)” and inserting “(b)(1)”; and

(2) by adding at the end the following:

“(2) No person convicted of a felony who is incarcerated while awaiting sentencing or while serving a sentence may bring a civil action against the United States or an agency, officer, or employee of the Government, for mental or emotional injury suffered while in custody without a prior showing of physical injury.”

#### SEC. 807. PAYMENT OF DAMAGE AWARD IN SATISFACTION OF PENDING RESTITUTION ORDERS.

Any compensatory damages awarded to a prisoner in connection with a civil action brought against any Federal, State, or local jail, prison, or correctional facility or against any official or agent of such jail, prison, or correctional facility, shall be paid directly to satisfy any outstanding restitution orders pending against the

prisoner. The remainder of any such award after full payment of all pending restitution orders shall be forwarded to the prisoner.

**SEC. 808. NOTICE TO CRIME VICTIMS OF PENDING DAMAGE AWARD.**

18 USC 3626  
note.

Prior to payment of any compensatory damages awarded to a prisoner in connection with a civil action brought against any Federal, State, or local jail, prison, or correctional facility or against any official or agent of such jail, prison, or correctional facility, reasonable efforts shall be made to notify the victims of the crime for which the prisoner was convicted and incarcerated concerning the pending payment of any such compensatory damages.

**SEC. 809. EARNED RELEASE CREDIT OR GOOD TIME CREDIT REVOCATION.**

(a) **IN GENERAL.**—Chapter 123 of title 28, United States Code, is amended by adding at the end the following new section:

**“§ 1932. Revocation of earned release credit**

“In any civil action brought by an adult convicted of a crime and confined in a Federal correctional facility, the court may order the revocation of such earned good time credit under section 3624(b) of title 18, United States Code, that has not yet vested, if, on its own motion or the motion of any party, the court finds that—

“(1) the claim was filed for a malicious purpose;

“(2) the claim was filed solely to harass the party against which it was filed; or

“(3) the claimant testifies falsely or otherwise knowingly presents false evidence or information to the court.”.

(b) **TECHNICAL AMENDMENT.**—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1931 the following:

“1932. Revocation of earned release credit.”.

(c) **AMENDMENT OF SECTION 3624 OF TITLE 18.**—Section 3624(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the first sentence;

(B) in the second sentence—

(i) by striking “A prisoner” and inserting “Subject to paragraph (2), a prisoner”;

(ii) by striking “for a crime of violence,”; and

(iii) by striking “such”;

(C) in the third sentence, by striking “If the Bureau” and inserting “Subject to paragraph (2), if the Bureau”;

(D) by striking the fourth sentence and inserting the following: “In awarding credit under this section, the Bureau shall consider whether the prisoner, during the relevant period, has earned, or is making satisfactory progress toward earning, a high school diploma or an equivalent degree.”; and

(E) in the sixth sentence, by striking “Credit for the last” and inserting “Subject to paragraph (2), credit for the last”; and

(2) by amending paragraph (2) to read as follows:

“(2) Notwithstanding any other law, credit awarded under this subsection after the date of enactment of the Prison Litigation Reform Act shall vest on the date the prisoner is released from custody.”.

18 USC 3626  
note.

**SEC. 810. SEVERABILITY.**

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996."

(b) For programs, projects or activities in the District of Columbia Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

**AN ACT**

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes.

District of  
Columbia  
Appropriations  
Act, 1996.

**TITLE I—FISCAL YEAR 1996 APPROPRIATIONS****FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA**

For payment to the District of Columbia for the fiscal year ending September 30, 1996, \$660,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406.1).

**FEDERAL CONTRIBUTION TO RETIREMENT FUNDS**

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), \$52,070,000.

**DIVISION OF EXPENSES**

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

**GOVERNMENTAL DIRECTION AND SUPPORT**

Governmental direction and support, \$149,130,000 and 1,498 full-time equivalent positions (end of year) (including \$117,464,000 and 1,158 full-time equivalent positions from local funds, \$2,464,000 and 5 full-time equivalent positions from Federal funds, \$4,474,000 and 71 full-time equivalent positions from other funds, and \$24,728,000 and 264 full-time equivalent positions from intra-District funds): *Provided*, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further*, That any program fees collected from the issuance of debt

shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further*, That \$29,500,000 is for pay-as-you-go capital projects of which \$1,500,000 shall be for a capital needs assessment study, and \$28,000,000 shall be for a new financial management system, if so determined following the evaluation and review process subsequently described in this paragraph, of which \$2,000,000 shall be used to develop a needs analysis and assessment of the existing financial management environment, and the remaining \$26,000,000 shall be used to procure the necessary hardware and installation of new software, conversion, testing and training: *Provided further*, That the \$26,000,000 shall not be obligated or expended until: (1) the District of Columbia Financial Responsibility and Management Assistance Authority submits a report to the Committees on Appropriations of the House and the Senate, the Committee on Governmental Reform and Oversight of the House, and the Committee on Governmental Affairs of the Senate reporting the results of a needs analysis and assessment of the existing financial management environment, specifying the deficiencies in, and recommending necessary improvements to or replacement of the District's financial management system including a detailed explanation of each recommendation and its estimated cost; and (2) 30 days lapse after receipt of the report by Congress: *Provided further*, That the District of Columbia government shall enter into negotiations with Gallaudet University to transfer, at a fair market value rate, Hamilton School from the District of Columbia to Gallaudet University with the proceeds, if such a sale takes place, deposited into the general fund of the District and used to improve public school facilities in the same ward as the Hamilton School.

Reports.

Gallaudet  
University.

#### ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$140,983,000 and 1,692 full-time equivalent positions (end-of-year) (including \$68,203,000 and 698 full-time equivalent positions from local funds, \$38,792,000 and 509 full-time equivalent positions from Federal funds, \$17,658,000 and 258 full-time equivalent positions from other funds, and \$16,330,000 and 227 full-time equivalent positions from intra-District funds): *Provided*, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further*, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall

be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further*, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

#### PUBLIC SAFETY AND JUSTICE

Reports.

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, \$963,848,000 and 11,544 full-time equivalent positions (end-of-year) (including \$940,631,000 and 11,365 full-time equivalent positions from local funds, \$8,942,000 and 70 full-time equivalent positions from Federal funds, \$5,160,000 and 4 full-time equivalent positions from other funds, and \$9,115,000 and 105 full-time equivalent positions from intra-District funds): *Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That \$250,000 is used for the Georgetown Summer Detail; \$200,000 is used for East of the River Detail; \$100,000 is used for Adams Morgan Detail; and \$100,000 is used for the Capitol Hill Summer Detail: *Provided further*, That the Metropolitan Police Department shall employ an authorized level of sworn officers not to be less than 3,800 sworn officers for the fiscal year ending September 30, 1996: *Provided further*, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: *Provided further*, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: *Provided further*, That funds appropriated for expenses under the District of Columbia Guardian-

ship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6-204; D.C. Code, sec. 21-2060), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further*, That not to exceed \$1,500 for the Chief Judge of the District of Columbia Court of Appeals, \$1,500 for the Chief Judge of the Superior Court of the District of Columbia, and \$1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, riots, and similar incidents: *Provided further*, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further*, That not to exceed \$100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1996, in relation to the Lorton prison complex: *Provided further*, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, fires, riots, and similar disturbances involving the prison: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

Communications.  
Prisons.  
Virginia.

#### PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, \$795,201,000 and 11,670 full-time equivalent positions (end-of-year) (including \$676,251,000 and 9,996 full-time equivalent positions from local funds, \$87,385,000 and 1,227 full-time equivalent positions from Federal funds, \$21,719,000 and 234 full-time equivalent positions from other funds, and \$9,846,000 and 213 full-time equivalent positions from intra-District funds), to be allocated as follows: \$580,996,000 and 10,167 full-time equivalent positions (including \$498,310,000 and 9,014 full-time equivalent positions from local funds, \$75,786,000 and 1,058 full-time equivalent positions from Federal funds, \$4,343,000 and 44 full-time equivalent positions from other funds, and \$2,557,000 and 51 full-time equivalent positions from intra-District funds), for the public schools of the District of Columbia; \$111,800,000 (including \$111,000,000 from local funds and \$800,000 from intra-District funds) shall be allocated for the District of Columbia Teach-

ers' Retirement Fund; \$79,396,000 and 1,079 full-time equivalent positions (including \$45,377,000 and 572 full-time equivalent positions from local funds, \$10,611,000 and 156 full-time equivalent positions from Federal funds, \$16,922,000 and 189 full-time equivalent positions from other funds, and \$6,486,000 and 162 full-time equivalent positions from intra-District funds) for the University of the District of Columbia; \$20,742,000 and 415 full-time equivalent positions (including \$19,839,000 and 408 full-time equivalent positions from local funds, \$446,000 and 6 full-time equivalent positions from Federal funds, \$454,000 and 1 full-time equivalent position from other funds, and \$3,000 from intra-District funds) for the Public Library; \$2,267,000 and 9 full-time equivalent positions (including \$1,725,000 and 2 full-time equivalent positions from local funds and \$542,000 and 7 full-time equivalent positions from Federal funds) for the Commission on the Arts and Humanities: *Provided*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed \$2,500 for the Superintendent of Schools, \$2,500 for the President of the University of the District of Columbia, and \$2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1996, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

#### HUMAN SUPPORT SERVICES

Human support services, \$1,855,014,000 and 6,469 full-time equivalent positions (end-of-year) (including \$1,076,856,000 and 3,650 full-time equivalent positions from local funds, \$726,685,000 and 2,639 full-time equivalent positions from Federal funds, \$46,799,000 and 66 full-time equivalent positions from other funds, and \$4,674,000 and 114 full-time equivalent positions from intra-District funds): *Provided*, That \$26,000,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100-77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.).

#### PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, \$297,568,000 and

1,914 full-time equivalent positions (end-of-year) (including \$225,915,000 and 1,158 full-time equivalent positions from local funds, \$2,682,000 and 32 full-time equivalent positions from Federal funds, \$18,342,000 and 68 full-time equivalent positions from other funds, and \$50,629,000 and 656 full-time equivalent positions from intra-District funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

#### WASHINGTON CONVENTION CENTER FUND TRANSFER PAYMENT

For payment to the Washington Convention Center Enterprise Fund, \$5,400,000 from local funds.

#### REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79-648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, sec. 9-219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86-515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93-198; D.C. Code, sec. 47-321, note; 91 Stat. 1156; Public Law 95-131; D.C. Code, sec. 9-219, note), including interest as required thereby, \$327,787,000 from local funds.

#### REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the \$331,589,000 general fund accumulated deficit as of September 30, 1990, \$38,678,000 from local funds, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102-106; D.C. Code, sec. 47-321(a)).

#### PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, \$9,698,000 from local funds.

#### PAY RENEGOTIATION OR REDUCTION IN COMPENSATION

The Mayor shall reduce appropriations and expenditures for personal services in the amount of \$46,409,000, by decreasing rates of compensation for District government employees; such decreased rates are to be realized from employees who are subject to collective bargaining agreements to the extent possible through the renegoti-

ation of existing collective bargaining agreements: *Provided*, That, if a sufficient reduction from employees who are subject to collective bargaining agreements is not realized through renegotiating existing agreements, the Mayor shall decrease rates of compensation for such employees, notwithstanding the provisions of any collective bargaining agreements: *Provided further*, That the Congress hereby ratifies and approves legislation enacted by the Council of the District of Columbia during fiscal year 1995 to reduce the compensation and benefits of all employees of the District of Columbia government during that fiscal year: *Provided further*, That notwithstanding any other provision of law, the legislation enacted by the Council of the District of Columbia during fiscal year 1995 to reduce the compensation and benefits of all employees of the District of Columbia government during that fiscal year shall be deemed to have been ratified and approved by the Congress during fiscal year 1995.

#### RAINY DAY FUND

Reports.

For mandatory unavoidable expenditures within one or several of the various appropriation headings of this Act, to be allocated to the budgets for personal services and nonpersonal services as requested by the Mayor and approved by the Council pursuant to the procedures in section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-363), \$4,563,000 from local funds: *Provided*, That the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and the Senate quarterly reports by the 15th day of the month following the end of the quarter showing how monies provided under this fund are expended with a final report providing a full accounting of the fund due October 15, 1996 or not later than 15 days after the last amount remaining in the fund is disbursed.

#### INCENTIVE BUYOUT PROGRAM

For the purpose of funding costs associated with the incentive buyout program, to be apportioned by the Mayor of the District of Columbia within the various appropriation headings in this Act from which costs are properly payable, \$19,000,000.

#### OUTPLACEMENT SERVICES

For the purpose of funding outplacement services for employees who leave the District of Columbia government involuntarily, \$1,500,000.

#### BOARDS AND COMMISSIONS

The Mayor shall reduce appropriations and expenditures for boards and commissions under the various headings in this title in the amount of \$500,000: *Provided*, That this provision shall not apply to any board or commission established under title II of this Act.

#### GOVERNMENT RE-ENGINEERING PROGRAM

The Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of \$16,000,000

within one or several of the various appropriation headings in this Title.

#### CAPITAL OUTLAY

##### (INCLUDING RESCISSIONS)

For construction projects, \$168,222,000 (including \$82,850,000 from local funds and \$85,372,000 from Federal funds), as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, secs. 43-1512 through 43-1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83-364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That \$105,660,000 from local funds appropriated under this heading in prior fiscal years is rescinded: *Provided further*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1997, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1997: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

#### WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, \$242,253,000 and 1,024 full-time equivalent positions (end-of-year) (including \$237,076,000 and 924 full-time equivalent positions from local funds, \$433,000 from other funds, and \$4,744,000 and 100 full-time equivalent positions from intra-District funds), of which \$41,036,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, \$39,477,000 from Federal funds, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvement projects and set

forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

#### LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97-91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), \$229,950,000 and 88 full-time equivalent positions (end-of-year) (including \$7,950,000 and 88 full-time equivalent positions for administrative expenses and \$222,000,000 for non-administrative expenses from revenue generated by the Lottery Board), to be derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

#### CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), \$2,351,000 and 8 full-time equivalent positions (end-of-year) (including \$2,019,000 and 8 full-time equivalent positions from local funds and \$332,000 from other funds), of which \$572,000 shall be transferred to the general fund of the District of Columbia.

#### STARPLEX FUND

For the Starplex Fund, \$6,580,000 from other funds for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2-321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

#### D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, \$115,034,000, of which \$56,735,000 shall be derived by transfer as intra-District funds from the general fund, \$52,684,000 is to be derived from the other funds, and \$5,615,000 is to be derived from intra-District funds.

## D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1989, approved November 17, 1989 (93 Stat. 866; D.C. Code, sec. 1-711), \$13,440,000 and 11 full-time equivalent positions (end-of-year) from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

Reports.

## CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88-622), \$10,516,000 and 66 full-time equivalent positions (end-of-year) (including \$3,415,000 and 22 full-time equivalent positions from other funds and \$7,101,000 and 44 full-time equivalent positions from intra-District funds).

## WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, \$37,957,000, of which \$5,400,000 shall be derived by transfer from the general fund.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND  
MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104-8), \$3,500,000.

## PERSONAL AND NONPERSONAL SERVICES ADJUSTMENTS

Notwithstanding any other provision of law, the Chief Financial Officer established under section 302 of Public Law 104-8, approved April 17, 1995 (109 Stat. 142) shall, on behalf of the Mayor, adjust appropriations and expenditures for personal and nonpersonal services, together with the related full-time equivalent positions, in accordance with the direction of the District of Columbia Financial Responsibility and Management Assistance Authority such that there is a net reduction of \$150,907,000, within or among one or several of the various appropriation headings in this Title, pursuant to section 208 of Public Law 104-8, approved April 17, 1995 (109 Stat. 134).

## GENERAL PROVISIONS

Public inspection.

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445, 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit

the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1997, shall be transmitted to the Congress no later than April 15, 1996 or as provided for under the provisions of Public Law 104-8, approved April 17, 1995.

District of  
Columbia budget.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform and Oversight, District of Columbia Subcommittee, the Subcommittee on Oversight of Government Management, of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: *Provided*, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

Reports.

SEC. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.): *Provided*, That for the fiscal year ending September 30, 1996 the above shall apply except as modified by Public Law 104-8.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur,

or other personal servants to any officer or employee of the District of Columbia.

SEC. 119. None of the Federal Funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1995 shall be deemed to be the rate of pay payable for that position for September 30, 1995.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 121. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1996, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1996 revenue estimates as of the end of the first quarter of fiscal year 1996. These estimates shall be used in the budget request for the fiscal year ending September 30, 1997. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 124. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 125. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 126. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

Sequestration.

SEC. 127. For the fiscal year ending September 30, 1996, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 128. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code, sec. 1-299.1 to 1-299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1995, of the required reorganization plans.

SEC. 129. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1996 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

Records.  
Public inspection.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 130. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

#### PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS

SEC. 131. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

#### PROHIBITION ON DOMESTIC PARTNERS ACT

SEC. 132. No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9-188, signed by the Mayor of the District of Columbia on April 15, 1992.

#### COMPENSATION FOR THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE AND FOR THE JUDICIAL NOMINATION COMMISSION

SEC. 133. Sections 431(f) and 433(b)(5) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; Public Law 93-198; D.C. Code, secs. 11-1524 and title 11, App. 433), are amended to read as follows:

(a) Section 431(f) (D.C. Code, sec. 11-1524) is amended to read as follows:

"(f) Members of the Tenure Commission shall serve without compensation for services rendered in connection with their official duties on the Commission."

(b) Section 433(b)(5) (title 11, App. 433) is amended to read as follows:

“(5) Members of the Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.”.

#### MULTIYEAR CONTRACTS

SEC. 134. Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 803; Public Law 93-198; D.C. Code, sec. 1-1130), is amended by adding a new subsection (c) to read as follows:

“(c)(1) The District may enter into multiyear contracts to obtain goods and services for which funds would otherwise be available for obligation only within the fiscal year for which appropriated.

“(2) If the funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled or terminated, and the cost of cancellation or termination may be paid from—

“(A) appropriations originally available for the performance of the contract concerned;

“(B) appropriations currently available for procurement of the type of acquisition covered by the contract, and not otherwise obligated; or

“(C) funds appropriated for those payments.

“(3) No contract entered into under this section shall be valid unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council). The Council shall be required to take affirmative action to approve the contract within 45 days. If no action is taken to approve the contract within 45 calendar days, the contract shall be deemed disapproved.”.

#### CALCULATED REAL PROPERTY TAX RATE RESCISSION AND REAL PROPERTY TAX FREEZE

SEC. 135. The District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1051; D.C. Code, sec. 47-801 et seq.), is amended as follows:

(1) Section 412 (D.C. Code, sec. 47-812) is amended as follows:

(A) Subsection (a) is amended by striking the third and fourth sentences and inserting the following sentences in their place: “If the Council does extend the time for establishing the rates of taxation on real property, it must establish those rates for the tax year by permanent legislation. If the Council does not establish the rates of taxation of real property by October 15, and does not extend the time for establishing rates, the rates of taxation applied for the prior year shall be the rates of taxation applied during the tax year.”.

(B) A new subsection (a-2) is added to read as follows:

“(a-2) Notwithstanding the provisions of subsection (a) of this section, the real property tax rates for taxable real property in the District of Columbia for the tax year beginning October 1, 1995, and ending September 30, 1996, shall be the same rates

in effect for the tax year beginning October 1, 1993, and ending September 30, 1994.”

(2) Section 413(c) (D.C. Code, sec. 47-815(c)) is repealed.

#### PRISONS INDUSTRIES

SEC. 136. Title 18 U.S.C. 1761(b) is amended by striking the period at the end and inserting the phrase “or not-for-profit organizations.” in its place.

#### REPORTS ON REDUCTIONS

SEC. 137. Within 120 days of the effective date of this Act, the Mayor shall submit to the Congress and the Council a report delineating the actions taken by the executive to effect the directives of the Council in this Act, including—

- (1) negotiations with representatives of collective bargaining units to reduce employee compensation;
- (2) actions to restructure existing long-term city debt;
- (3) actions to apportion the spending reductions anticipated by the directives of this Act to the executive for unallocated reductions; and
- (4) a list of any position that is backfilled including description, title, and salary of the position.

#### MONTHLY REPORTING REQUIREMENTS—BOARD OF EDUCATION

SEC. 138. The Board of Education shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

- (1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing.
- (2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and agency reporting code within each responsibility center, for all funds, including capital funds;
- (3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;
- (4) a list of all active contracts in excess of \$10,000 annually, which contains; the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;
- (5) all reprogramming requests and reports that are required to be, and have been submitted to the Board of Education; and

(6) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

#### MONTHLY REPORTING REQUIREMENTS

##### UNIVERSITY OF THE DISTRICT OF COLUMBIA

SEC. 139. The University of the District of Columbia shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, and object class, and for all funds, including capital financing;

(2) a breakdown of FTE positions and all employees for the most current pay period broken out on the basis of control center, responsibility center, for all funds, including capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(4) a list of all active contracts in excess of \$10,000 annually, which contains; the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(6) changes in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

#### ANNUAL REPORTING REQUIREMENTS

SEC. 140. (a) The Board of Education of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1995, fiscal year 1996,

and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than May 1, 1996, and each February 15 thereafter.

#### ANNUAL BUDGETS AND BUDGET REVISIONS

SEC. 141. (a) Not later than October 1, 1995, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1996, whichever occurs later, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Board of Education and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301).

#### BUDGET APPROVAL

SEC. 142. The Board of Education, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

#### PUBLIC SCHOOL EMPLOYEE EVALUATIONS

SEC. 143. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating

District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

#### POSITION VACANCIES

SEC. 144. (a) No agency, including an independent agency, shall fill a position wholly funded by appropriations authorized by this Act, which is vacant on October 1, 1995, or becomes vacant between October 1, 1995, and September 30, 1996, unless the Mayor or independent agency submits a proposed resolution of intent to fill the vacant position to the Council. The Council shall be required to take affirmative action on the Mayor's resolution within 30 legislative days. If the Council does not affirmatively approve the resolution within 30 legislative days, the resolution shall be deemed disapproved.

(b) No reduction in the number of full-time equivalent positions or reduction-in-force due to privatization or contracting out shall occur if the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104-8), disallows the full-time equivalent position reduction provided in this act in meeting the maximum ceiling of 35,984 for the fiscal year ending September 30, 1996.

(c) This section shall not prohibit the appropriate personnel authority from filling a vacant position with a District government employee currently occupying a position that is funded with appropriated funds.

(d) This section shall not apply to local school-based teachers, school-based officers, or school-based teachers' aides; or court personnel covered by title 11 of the D.C. Code, except chapter 23.

#### MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-IN-FORCE PROCEDURES

SEC. 145. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, (D.C. Code, sec. 1-601.1 et seq.) is amended—

(1) in section 301 (D.C. Code, sec. 1.603.1)—

(A) by inserting after paragraph (13), the following new paragraph:

“(13A) The term ‘nonschool-based personnel’ means any employee of the District of Columbia public schools who is not based at a local school or who does not provide direct services to individual students.”; and

(B) by inserting after paragraph (15), the following new paragraph:

“(15A) The term ‘school administrators’ means principals, assistant principals, school program directors, coordinators, instructional supervisors, and support personnel of the District of Columbia public schools.”;

(2) in section 801A(b)(2) (D.C. Code, sec. 1-609.1(b)(2)(L)—

(A) by striking “(L) reduction-in-force” and inserting “(L)(i) reduction-in-force”; and

(B) by inserting after subparagraph (L)(i), the following new clause:

“(ii) Notwithstanding any other provision of law, the Board of Education shall not issue rules that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers;” and

(3) in section 2402 (D.C. Code, sec. 1-625.2), by adding at the end the following new subsection:

“(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers.”

SEC. 146. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

- (1) classified as an Educational Service employee;
- (2) placed under the personnel authority of the Board of Education; and
- (3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 147. None of the funds provided in this Act may be used directly or indirectly for the renovation of the property located at 227 7th Street Southeast (commonly known as Eastern Market), except that funds provided in this Act may be used for the regular maintenance and upkeep of the current structure and grounds located at such property.

#### CAPITAL PROJECT EMPLOYEES

Reports.

SEC. 148. (a) Not later than 15 days after the end of every fiscal quarter (beginning October 1, 1995), the Mayor shall submit to the Council of the District of Columbia, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Committees on Appropriations of the House of Representatives and the Senate a report with respect to the employees on the capital project budget for the previous quarter.

(b) Each report submitted pursuant to subsection (a) of this section shall include the following information—

- (1) a list of all employees by position, title, grade and step;
- (2) a job description, including the capital project for which each employee is working;
- (3) the date that each employee began working on the capital project and the ending date that each employee completed or is projected to complete work on the capital project; and
- (4) a detailed explanation justifying why each employee is being paid with capital funds.

#### MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES

SEC. 149. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), is amended as follows:

(a) Section 2401 (D.C. Code, sec. 1-625.1) is amended by amending the third sentence to read as follows: “A personnel authority may establish lesser competitive areas within an

agency on the basis of all or a clearly identifiable segment of an agency's mission or a division or major subdivision of an agency."

(b) A new section 2406 is added to read as follows:

"SEC. 2406. ABOLISHMENT OF POSITIONS FOR FISCAL YEAR 1996.

"(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1996, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

"(b) Prior to August 1, 1996, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

"(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

"(d) An employee affected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to 1 round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

"(e) Each employee who is a bona fide resident of the District of Columbia shall have added 5 years to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the U.S. Department of Health and Human Services at Saint Elizabeths Hospital who accepted employment with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

"(f) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

"(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except as follows—

"(1) an employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code, sec. 1-2543); and

"(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

"(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section—

"(1) four years for an employee who qualified for veteran's preference under this Act, and

"(2) three years for an employee who qualified for residency preference under this Act.

"(i) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

"(j) The Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1996, or upon the delivery of termination notices to individual employees.

"(k) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this Act shall not be deemed negotiable.

"(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1996, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section".

#### OPERATING EXPENSES AND GRANTS

SEC. 150. (a) CEILING ON TOTAL OPERATING EXPENSES.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1996 under the caption "Division of Expenses" shall not exceed \$4,994,000,000 of which \$165,339,000 shall be from intra-District funds.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District submits to the District of Columbia Financial Responsibility and Management Assistance Authority established by Public Law 104-8 (109 Stat. 97) a report setting forth detailed information regarding such grant; and

(B) the District of Columbia Financial Responsibility and Management Assistance Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of Public Law 104-8.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) MONTHLY REPORTS.—The Chief Financial Officer of the District shall prepare a monthly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the month covered by the report.

DEVELOPMENT OF PLANS REGARDING DISTRICT OF COLUMBIA  
CORRECTIONS

SEC. 151. (a) PLAN FOR SHORT-TERM IMPROVEMENTS.—

(1) IN GENERAL.—Not later than July 1, 1996, the National Institute of Corrections (acting for and on behalf of the District of Columbia) shall enter into an agreement with a private contractor to develop a plan for short-term improvements in the administration of the District of Columbia Department of Corrections (hereafter referred to as the "Department") and the administration and physical plant of the Lorton Correctional Complex (hereafter referred to as the "Complex") which may be initiated during a period not to exceed 5 months.

(2) CONTENTS OF PLAN.—The plan developed under paragraph (1) shall address the following issues:

(A) The reorganization of the central office of the Department, including the consolidation of units and the redeployment of personnel.

(B) The establishment of a centralized inmate classification unit.

(C) The implementation of a revised classification system for sentenced inmates.

(D) The development of a projection for the number of inmates under the authority of the Department over a 10-year period.

(E) The improvement of Department security operations.

(F) Capital improvements.

(G) The preparation of a methodology for developing and assessing options for the long-term status of the Complex and the Department (consistent with the requirements for the development of plans under subsection (b)).

(H) Other appropriate miscellaneous issues.

(3) SUBMISSION OF PLAN.—Upon completing the plan under paragraph (1) (but in no event later than September 30, 1996), the National Institute of Corrections shall submit the plan to the Mayor of the District of Columbia, the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority.

(b) OPTIONAL PLANS FOR LONG-TERM TREATMENT OF COMPLEX.—

(1) IN GENERAL.—Not later than July 1, 1996, the National Institute of Corrections (acting for and on behalf of the District of Columbia) shall enter into an agreement with a private contractor to develop a series of alternative plans regarding the long-term status of the Complex and the future operations of the Department, including the following:

Contracts.

(A) A separate plan under which the Complex will be closed and inmates transferred to new facilities constructed and operated by private entities.

(B) A separate plan under which the Complex will remain in operation under the management of the District of Columbia subject to such modifications as the District considers appropriate.

(C) A separate plan under which the Federal government will operate the Complex and inmates will be sentenced and treated in accordance with guidelines applicable to Federal prisoners.

(D) A separate plan under which the Complex will be operated under private management.

(E) Such other plans as the District of Columbia consider appropriate.

(2) REQUIREMENTS FOR PLANS.—Each of the alternative plans developed under paragraph (1) shall meet the following requirements:

(A) The plan shall provide for an appropriate transition period for implementation (not to exceed 5 years) to begin January 1, 1997.

(B) The plan shall specify the extent to which the Department will utilize alternative and cost-effective management methods, including the use of private management and vendors for the operation of the facilities and activities of the Department, including (where appropriate) the Complex.

(C) The plan shall include an implementation schedule specifying timetables for the completion of all significant activities, including site selection for new facilities, design, financing, construction, recruitment and hiring of personnel, training, adoption of new policies and procedures, and the establishment of essential administrative organizational structures to carry out the plan.

(D) In determining the bed capacity required for the Department through 2002, the plan shall use the population projections developed under the plan under subsection (a).

(E) The plan shall identify any Federal or District legislation which is required to be enacted, and any District regulations, policies, or procedures which are required to be adopted, in order for the plan to take effect.

(F) The plan shall take into account any court orders and consent decrees in effect with respect to the Department and shall describe how the plan will enable the District to comply with such orders and decrees.

(G) The plan shall include estimates of the operating and capital expenses for the Department for each year of the plan's transition period, together with the primary assumptions underlying such estimates.

(H) The plan shall require the Mayor of the District of Columbia to submit a semi-annual report to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority describing the actions taken by the District under the plan, and in addition shall require the Mayor to regularly report to the President, Congress, and the District of

Columbia Financial Responsibility and Management Assistance Authority on all measures taken under the plan as soon as such measures are taken.

(I) For each year for which the plan is in effect, the plan shall be consistent with the financial plan and budget for the District of Columbia for the year under subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) SUBMISSION OF PLAN.—Upon completing the development of the alternative plans under paragraph (1) (but in no event later than December 31, 1996), the National Institute of Corrections shall submit the plan to the Mayor of the District of Columbia, the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority.

#### CHIEF FINANCIAL OFFICER POWERS

SEC. 152. Notwithstanding any other provision of law, for the fiscal years ending September 30, 1996 and September 30, 1997—

(a) the heads and all personnel of the following offices, together with all other District of Columbia executive branch accounting, budget, and financial management personnel, shall be appointed by, shall serve at the pleasure of, and shall act under the direction and control of the Chief Financial Officer:

The Office of the Treasurer.

The Controller of the District of Columbia.

The Office of the Budget.

The Office of Financial Information Services.

The Department of Finance and Revenue.

The District of Columbia Financial Responsibility and Management Assistance Authority established pursuant to Public Law 104-8, approved April 17, 1995, may remove such individuals from office for cause, after consultation with the Mayor and the Chief Financial Officer.

(b) the Chief Financial Officer shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia under part D of title IV of the District of Columbia Self-Government and Governmental Reorganization Act of 1993, approved December 24, 1973 (87 Stat. 774; Public Law 93-198), as amended, for fiscal years 1996, 1997 and 1998, annual estimates of the expenditures and appropriations necessary for the operation of the Office of the Chief Financial Officer for the year. All such estimates shall be forwarded by the Mayor to the Council of the District of Columbia for its action pursuant to sections 446 and 603(c) of such Act, without revision but subject to recommendations. Notwithstanding any other provisions of such Act, the Council may comment or make recommendations concerning such estimates, but shall have no authority to revise such estimates.

#### TECHNICAL CORRECTIONS TO FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT

SEC. 153. (a) REQUIRING GSA TO PROVIDE SUPPORT SERVICES.—Section 103(f) of the District of Columbia Financial Responsibility

and Management Assistance Act of 1995 is amended by striking "may provide" and inserting "shall promptly provide".

(b) AVAILABILITY OF CERTAIN FEDERAL BENEFITS FOR INDIVIDUALS WHO BECOME EMPLOYED BY THE AUTHORITY.—

(1) FORMER FEDERAL EMPLOYEES.—Subsection (e) of section 102 of such Act is amended to read as follows:

"(e) PRESERVATION OF RETIREMENT AND CERTAIN OTHER RIGHTS OF FEDERAL EMPLOYEES WHO BECOME EMPLOYED BY THE AUTHORITY.—

"(1) IN GENERAL.—Any Federal employee who becomes employed by the Authority—

"(A) may elect, for the purposes set forth in paragraph (2)(A), to be treated, for so long as that individual remains continuously employed by the Authority, as if such individual had not separated from service with the Federal Government, subject to paragraph (3); and

"(B) shall, if such employee subsequently becomes reemployed by the Federal Government, be entitled to have such individual's service with the Authority treated, for purposes of determining the appropriate leave accrual rate, as if it had been service with the Federal Government.

"(2) EFFECT OF AN ELECTION.—An election made by an individual under the provisions of paragraph (1)(A)—

"(A) shall qualify such individual for the treatment described in such provisions for purposes of—

"(i) chapter 83 or 84 of title 5, United States Code, as appropriate (relating to retirement), including the Thrift Savings Plan;

"(ii) chapter 87 of such title (relating to life insurance); and

"(iii) chapter 89 of such title (relating to health insurance); and

"(B) shall disqualify such individual, while such election remains in effect, from participating in the programs offered by the government of the District of Columbia (if any) corresponding to the respective programs referred to in subparagraph (A).

"(3) CONDITIONS FOR AN ELECTION TO BE EFFECTIVE.—An election made by an individual under paragraph (1)(A) shall be ineffective unless—

"(A) it is made before such individual separates from service with the Federal Government; and

"(B) such individual's service with the Authority commences within 3 days after so separating (not counting any holiday observed by the government of the District of Columbia).

"(4) CONTRIBUTIONS.—If an individual makes an election under paragraph (1)(A), the Authority shall, in accordance with applicable provisions of law referred to in paragraph (2)(A), be responsible for making the same deductions from pay and the same agency contributions as would be required if it were a Federal agency.

"(5) REGULATIONS.—Any regulations necessary to carry out this subsection shall be prescribed in consultation with the Authority by—

"(A) the Office of Personnel Management, to the extent that any program administered by the office is involved;

“(B) the appropriate office or agency of the government of the District of Columbia, to the extent that any program administered by such office or agency is involved; and

“(C) the Executive Director referred to in section 8474 of title 5, United States Code, to the extent that the Thrift Savings Plan is involved.”

(2) OTHER INDIVIDUALS.—Section 102 of such Act is further amended by adding at the end the following:

“(f) FEDERAL BENEFITS FOR OTHERS.—

“(1) IN GENERAL.—The Office of Personnel Management, in conjunction with each corresponding office or agency of the government of the District of Columbia and in consultation with the Authority, shall prescribe regulations under which any individual who becomes employed by the Authority (under circumstances other than as described in subsection (e)) may elect either—

“(A) to be deemed a Federal employee for purposes of the programs referred to in subsection (e)(2)(A) (i)–(iii); or

“(B) to participate in 1 or more of the corresponding programs offered by the government of the District of Columbia.

“(2) EFFECT OF AN ELECTION.—An individual who elects the option under subparagraph (A) or (B) of paragraph (1) shall be disqualified, while such election remains in effect, from participating in any of the programs referred to in the other such subparagraph.

“(3) DEFINITION OF ‘CORRESPONDING OFFICE OR AGENCY’.—For purposes of paragraph (1), the term ‘corresponding office or agency of the government of the District of Columbia’ means, with respect to any program administered by the Office of Personnel Management, the office or agency responsible for administering the corresponding program (if any) offered by the government of the District of Columbia.

“(4) THRIFT SAVINGS PLAN.—To the extent that the Thrift Savings Plan is involved, the preceding provisions of this subsection shall be applied by substituting ‘the Executive Director referred to in section 8474 of title 5, United States Code’ for ‘the Office of Personnel Management’.”

(3) “Effective date; additional election for former federal employees serving on date of enactment; election for employees appointed during interim period.—

(A) EFFECTIVE DATE.—Not later than 6 months after the date of enactment of this Act, there shall be prescribed in consultation with the Authority (and take effect)—

(i) regulations to carry out the amendments made by this subsection; and

(ii) any other regulations necessary to carry out this subsection.

(B) ADDITIONAL ELECTION FOR FORMER FEDERAL EMPLOYEES SERVING ON DATE OF ENACTMENT.—

(i) IN GENERAL.—Any former Federal employee employed by the Authority on the effective date of the regulations referred to in subparagraph (A)(i) may, within such period as may be provided for under those regulations, make an election similar, to the maximum extent practicable, to the election provided for under

section 102(e) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by this subsection. Such regulations shall be prescribed jointly by the Office of Personnel Management and each corresponding office or agency of the government of the District of Columbia (in the same manner as provided for in section 102(f) of such Act, as so amended).

(ii) EXCEPTION.—An election under this subparagraph may not be made by any individual who—

(I) is not then participating in a retirement system for Federal employees (disregarding Social Security); or

(II) is then participating in any program of the government of the District of Columbia referred to in section 102(e)(2)(B) of such Act (as so amended).

(C) ELECTION FOR EMPLOYEES APPOINTED DURING INTERIM PERIOD.—

(i) FROM THE FEDERAL GOVERNMENT.—Subsection (e) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as last in effect before the date of enactment of this Act) shall be deemed to have remained in effect for purposes of any Federal employee who becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on such date of enactment and ending on the day before the effective date of the regulations prescribed to carry out subparagraph (B).

(ii) OTHER INDIVIDUALS.—The regulations prescribed to carry out subsection (f) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as amended by this subsection) shall include provisions under which an election under such subsection shall be available to any individual who—

(I) becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on the date of enactment of this Act and ending on the day before the effective date of such regulations;

(II) would have been eligible to make an election under such regulations had those regulations been in effect when such individual became so employed; and

(III) is not then participating in any program of the government of the District of Columbia referred to in subsection (f)(1)(B) of such section 102 (as so amended).

(c) EXEMPTION FROM LIABILITY FOR CLAIMS FOR AUTHORITY EMPLOYEES.—Section 104 of such Act is amended—

(1) by striking “the Authority and its members” and inserting “the Authority, its members, and its employees”; and

(2) by striking “the District of Columbia” and inserting “the Authority or its members or employees or the District of Columbia”.

(d) PERMITTING REVIEW OF EMERGENCY LEGISLATION.—Section 203(a)(3) of such Act is amended by striking subparagraph (C).

#### ESTABLISHMENT OF EXCLUSIVE ACCOUNTS FOR BLUE PLAINS ACTIVITIES

##### SEC. 154. (a) OPERATION AND MAINTENANCE ACCOUNT.—

(1) CONTENTS OF ACCOUNT.—There is hereby established within the Water and Sewer Enterprise Fund the Operation and Maintenance Account, consisting of all funds paid to the District of Columbia on or after the date of the enactment of this Act which are—

(A) attributable to waste water treatment user charges;

(B) paid by users jurisdictions for the operation and maintenance of the Blue Plains Wastewater Treatment Facility and related waste water treatment works; or

(C) appropriated or otherwise provided for the operation and maintenance of the Blue Plains Wastewater Treatment Facility and related waste water treatment works.

(2) USE OF FUNDS IN ACCOUNT.—Funds in the Operation and Maintenance Account shall be used solely for funding the operation and maintenance of the Blue Plains Wastewater Treatment Facility and related waste water treatment works and may not be obligated or expended for any other purpose, and may be used for related debt service and capital costs if such funds are not attributable to user charges assessed for purposes of section 204(b)(1) of the Federal Water Pollution Control Act.

##### (b) EPA GRANT ACCOUNT.—

(1) CONTENTS OF ACCOUNT.—There is hereby established within the Water and Sewer Enterprise Fund and EPA Grant Account, consisting of all funds paid to the District of Columbia on or after the date of the enactment of this Act which are—

(A) attributable to grants from the Environmental Protection Agency for construction at the Blue Plains Wastewater Treatment Facility and related waste water treatment works; or

(B) appropriated or otherwise provided for construction at the Blue Plains Wastewater Treatment Facility and related waste water treatment works.

(2) USE OF FUNDS IN ACCOUNT.—Funds in the EPA Grant Account shall be used solely for the purposes specified under the terms of the grants and appropriations involved, and may not be obligated or expended for any other purpose.

#### POLICE AND FIRE FIGHTER DISABILITY RETIREMENTS

SEC. 155. (a) Up to 50 police officers and up to 50 Fire and Emergency Medical Services members with less than 20 years of departmental service who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1996 shall be excluded from the computation of the rate of disability retirements under subsection 145(a) of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 882; D.C. Code, sec.

1-725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act of 1979.

(b) The Mayor, within 30 days after the enactment of this provision, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122, approved November 17, 1979; D.C. Code, secs. 1-722(d) and 1-724(d)).

(c) This section shall not go into effect until 15 days after the Mayor transmits the actuarial report required by section 142(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122, approved November 17, 1979) to the D.C. Retirement Board, the Speaker of the House of Representatives, and the President pro tempore of the Senate.

#### CONVEYANCE OF CERTAIN PROPERTY TO ARCHITECT OF THE CAPITOL

D.C. Village.

SEC. 156. Pursuant to section 1(b)(2) of Public Law 98-340 and in accordance with the agreement entered into between the Architect of the Capitol and the District of Columbia pursuant to such Act (as executed on September 28, 1984), not later than 30 days after the date of the enactment of this Act the District of Columbia shall convey without consideration by general warranty deed to the Architect of the Capitol on behalf of the United States all right, title, and interest of the District of Columbia in the real property (including improvements and appurtenances thereon) within the area known as "D.C. Village" and described in Attachment A of the agreement.

This title may be cited as the "District of Columbia Appropriations Act, 1996".

District of  
Columbia School  
Reform Act of  
1995.

## TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM

### SEC. 2001. SHORT TITLE.

This title may be cited as the "District of Columbia School Reform Act of 1995".

### SEC. 2002. DEFINITIONS.

Except as otherwise provided, for purposes of this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate;

(B) the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate; and

(C) the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(2) AUTHORITY.—The term "Authority" means the District of Columbia Financial Responsibility and Management Assist-

ance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

(3) AVERAGE DAILY ATTENDANCE.—The term “average daily attendance” means the aggregate attendance of students of the school during the period divided by the number of days during the period in which—

(A) the school is in session; and

(B) the students of the school are under the guidance and direction of teachers.

(4) AVERAGE DAILY MEMBERSHIP.—The term “average daily membership” means the aggregate enrollment of students of the school during the period divided by the number of days during the period in which—

(A) the school is in session; and

(B) the students of the school are under the guidance and direction of teachers.

(5) BOARD OF EDUCATION.—The term “Board of Education” means the Board of Education of the District of Columbia.

(6) BOARD OF TRUSTEES.—The term “Board of Trustees” means the governing board of a public charter school, the members of which are selected pursuant to the charter granted to the school and in a manner consistent with this title.

(7) CONSENSUS COMMISSION.—The term “Consensus Commission” means the Commission on Consensus Reform in the District of Columbia public schools established under subtitle H.

(8) CORE CURRICULUM.—The term “core curriculum” means the concepts, factual knowledge, and skills that students in the District of Columbia should learn in kindergarten through grade 12 in academic content areas, including, at a minimum, English, mathematics, science, and history.

(9) DISTRICT OF COLUMBIA COUNCIL.—The term “District of Columbia Council” means the Council of the District of Columbia established pursuant to section 401 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 1-221).

(10) DISTRICT OF COLUMBIA GOVERNMENT.—

(A) IN GENERAL.—The term “District of Columbia Government” means the government of the District of Columbia, including—

(i) any department, agency, or instrumentality of the government of the District of Columbia;

(ii) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Self-Government and Governmental Reorganization Act;

(iii) any other agency, board, or commission established by the Mayor or the District of Columbia Council;

(iv) the courts of the District of Columbia;

(v) the District of Columbia Council; and

(vi) any other agency, public authority, or public nonprofit corporation that has the authority to receive moneys directly or indirectly from the District of Columbia (other than moneys received from the sale

of goods, the provision of services, or the loaning of funds to the District of Columbia).

(B) EXCEPTION.—The term “District of Columbia Government” neither includes the Authority nor a public charter school.

(11) DISTRICT OF COLUMBIA GOVERNMENT RETIREMENT SYSTEM.—The term “District of Columbia Government retirement system” means the retirement programs authorized by the District of Columbia Council or the Congress for employees of the District of Columbia Government.

(12) DISTRICT OF COLUMBIA PUBLIC SCHOOL.—

(A) IN GENERAL.—The term “District of Columbia public school” means a public school in the District of Columbia that offers classes—

(i) at any of the grade levels from prekindergarten through grade 12; or

(ii) leading to a secondary school diploma, or its recognized equivalent.

(B) EXCEPTION.—The term “District of Columbia public school” does not include a public charter school.

(13) DISTRICTWIDE ASSESSMENTS.—The term “districtwide assessments” means a variety of assessment tools and strategies (including individual student assessments under subparagraph (E)(ii)) administered by the Superintendent to students enrolled in District of Columbia public schools and public charter schools that—

(A) are aligned with the District of Columbia’s content standards and core curriculum;

(B) provide coherent information about student attainment of such standards;

(C) are used for purposes for which such assessments are valid, reliable, and unbiased, and are consistent with relevant nationally recognized professional and technical standards for such assessments;

(D) involve multiple up-to-date measures of student performance, including measures that assess higher order thinking skills and understanding; and

(E) provide for—

(i) the participation in such assessments of all students;

(ii) individual student assessments for students that fail to reach minimum acceptable levels of performance;

(iii) the reasonable adaptations and accommodations for students with special needs (as defined in paragraph (32)) necessary to measure the achievement of such students relative to the District of Columbia’s content standards; and

(iv) the inclusion of limited-English proficient students, who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information regarding such students’ knowledge and abilities.

(14) ELECTRONIC DATA TRANSFER SYSTEM.—The term “electronic data transfer system” means a computer-based process for the maintenance and transfer of student records designed

to permit the transfer of individual student records among District of Columbia public schools and public charter schools.

(15) **ELEMENTARY SCHOOL.**—The term “elementary school” means an institutional day or residential school that provides elementary education, as determined under District of Columbia law.

(16) **ELIGIBLE APPLICANT.**—The term “eligible applicant” means a person, including a private, public, or quasi-public entity, or an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))), that seeks to establish a public charter school in the District of Columbia.

(17) **ELIGIBLE CHARTERING AUTHORITY.**—The term “eligible chartering authority” means any of the following:

(A) The Board of Education.

(B) The Public Charter School Board.

(C) Any one entity designated as an eligible chartering authority by enactment of a bill by the District of Columbia Council after the date of the enactment of this Act.

(18) **FAMILY RESOURCE CENTER.**—The term “family resource center” means an information desk—

(A) located in a District of Columbia public school or a public charter school serving a majority of students whose family income is not greater than 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act applicable to a family of the size involved (42 U.S.C. 9902(3))); and

(B) which links students and families to local resources and public and private entities involved in child care, adult education, health and social services, tutoring, mentoring, and job training.

(19) **INDIVIDUAL CAREER PATH.**—The term “individual career path” means a program of study that provides a secondary school student the skills necessary to compete in the 21st century workforce.

(20) **LITERACY.**—The term “literacy” means—

(A) in the case of a minor student, such student’s ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function in society, to achieve such student’s goals, and develop such student’s knowledge and potential; and

(B) in the case of an adult, such adult’s ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve such adult’s goals, and develop such adult’s knowledge and potential.

(21) **LONG-TERM REFORM PLAN.**—The term “long-term reform plan” means the plan submitted by the Superintendent under section 2101.

(22) **MAYOR.**—The term “Mayor” means the Mayor of the District of Columbia.

(23) **METROBUS AND METRORAIL TRANSIT SYSTEM.**—The term “Metrobus and Metrorail Transit System” means the bus and rail systems administered by the Washington Metropolitan Area Transit Authority.

(24) **MINOR STUDENT.**—The term “minor student” means an individual who—

(A) is enrolled in a District of Columbia public school or a public charter school; and

(B) is not beyond the age of compulsory school attendance, as prescribed in section 1 of article I, and section 1 of article II, of the Act of February 4, 1925 (sections 31-401 and 31-402, D.C. Code).

(25) **NONRESIDENT STUDENT.**—The term “nonresident student” means—

(A) an individual under the age of 18 who is enrolled in a District of Columbia public school or a public charter school, and does not have a parent residing in the District of Columbia; or

(B) an individual who is age 18 or older and is enrolled in a District of Columbia public school or public charter school, and does not reside in the District of Columbia.

(26) **PARENT.**—The term “parent” means a person who has custody of a child, and who—

(A) is a natural parent of the child;

(B) is a stepparent of the child;

(C) has adopted the child; or

(D) is appointed as a guardian for the child by a court of competent jurisdiction.

(27) **PETITION.**—The term “petition” means a written application.

(28) **PROMOTION GATE.**—The term “promotion gate” means the criteria, developed by the Superintendent and approved by the Board of Education, that are used to determine student promotion at different grade levels. Such criteria shall include student achievement on districtwide assessments established under subtitle C.

(29) **PUBLIC CHARTER SCHOOL.**—The term “public charter school” means a publicly funded school in the District of Columbia that—

(A) is established pursuant to subtitle B; and

(B) except as provided under sections 2212(d)(5) and 2213(c)(5) is not a part of the District of Columbia public schools.

(30) **PUBLIC CHARTER SCHOOL BOARD.**—The term “Public Charter School Board” means the Public Charter School Board established under section 2214.

(31) **SECONDARY SCHOOL.**—The term “secondary school” means an institutional day or residential school that provides secondary education, as determined by District of Columbia law, except that such term does not include any education beyond grade 12.

(32) **STUDENT WITH SPECIAL NEEDS.**—The term “student with special needs” means a student who is a child with a disability as provided in section 602(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(1)) or a student who is an individual with a disability as provided in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)).

(33) **SUPERINTENDENT.**—The term “Superintendent” means the Superintendent of the District of Columbia public schools.

(34) **TEACHER.**—The term “teacher” means any person employed as a teacher by the Board of Education or by a public charter school.

**SEC. 2003. GENERAL EFFECTIVE DATE.**

Except as otherwise provided in this title, this title shall be effective during the period beginning on the date of enactment of this Act and ending 5 years after such date.

**Subtitle A—District of Columbia Reform Plan**

**SEC. 2101. LONG-TERM REFORM PLAN.**

(a) **IN GENERAL.**—

(1) **PLAN.**—The Superintendent, with the approval of the Board of Education, shall submit to the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees, a long-term reform plan, not later than 90 days after the date of enactment of this Act, and each February 15 thereafter. The long-term reform plan shall be consistent with the financial plan and budget for the District of Columbia for fiscal year 1996, and each financial plan and budget for a subsequent fiscal year, as the case may be, required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(2) **CONSULTATION.**—

(A) **IN GENERAL.**—In developing the long-term reform plan, the Superintendent—

(i) shall consult with the Board of Education, the Mayor, the District of Columbia Council, the Authority, and the Consensus Commission; and

(ii) shall afford the public, interested organizations, and groups an opportunity to present their views and make recommendations regarding the long-term reform plan.

(B) **SUMMARY OF RECOMMENDATIONS.**—The Superintendent shall include in the long-term plan a summary of the recommendations made under subparagraph (A)(ii) and the response of the Superintendent to the recommendations.

(b) **CONTENTS.**—

(1) **AREAS TO BE ADDRESSED.**—The long-term reform plan shall describe how the District of Columbia public schools will become a world-class education system that prepares students for lifetime learning in the 21st century and which is on a par with the best education systems of other cities, States, and nations. The long-term reform plan shall include a description of how the District of Columbia public schools will accomplish the following:

(A) Achievement at nationally and internationally competitive levels by students attending District of Columbia public schools.

(B) The preparation of students for the workforce, including—

(i) providing special emphasis for students planning to obtain a postsecondary education; and

(ii) the development of individual career paths.

(C) The improvement of the health and safety of students in District of Columbia public schools.

(D) Local school governance, decentralization, autonomy, and parental choice among District of Columbia public schools.

(E) The implementation of a comprehensive and effective adult education and literacy program.

(F) The identification, beginning in grade 3, of each student who does not meet minimum standards of academic achievement in reading, writing, and mathematics in order to ensure that such student meets such standards prior to grade promotion.

(G) The achievement of literacy, and the possession of the knowledge and skills necessary to think critically, communicate effectively, and perform competently on districtwide assessments, by students attending District of Columbia public schools prior to such student's completion of grade 8.

(H) The establishment of after-school programs that promote self-confidence, self-discipline, self-respect, good citizenship, and respect for leaders, through such activities as arts classes, physical fitness programs, and community service.

(I) Steps necessary to establish an electronic data transfer system.

(J) Encourage parental involvement in all school activities, particularly parent teacher conferences.

(K) Development and implementation, through the Board of Education and the Superintendent, of a uniform dress code for the District of Columbia public schools, that—

(i) shall include a prohibition of gang membership symbols;

(ii) shall take into account the relative costs of any such code for each student; and

(iii) may include a requirement that students wear uniforms.

(L) The establishment of classes, beginning not later than grade 3, to teach students how to use computers effectively.

(M) The development of community schools that enable District of Columbia public schools to collaborate with other public and nonprofit agencies and organizations, local businesses, recreational, cultural, and other community and human service entities, for the purpose of meeting the needs and expanding the opportunities available to residents of the communities served by such schools.

(N) The establishment of programs which provide counseling, mentoring (especially peer mentoring), academic support, outreach, and supportive services to elementary, middle, and secondary school students who are at risk of dropping out of school.

(O) The establishment of a comprehensive remedial education program to assist students who do not meet basic literacy standards, or the criteria of promotion gates established in section 2321.

(P) The establishment of leadership development projects for middle school principals, which projects shall increase student learning and achievement and strengthen such principals as instructional school leaders.

(Q) The implementation of a policy for performance-based evaluation of principals and teachers, after consultation with the Superintendent and unions (including unions that represent teachers and unions that represent principals).

(R) The implementation of policies that require competitive appointments for all District of Columbia public school positions.

(S) The implementation of policies regarding alternative teacher certification requirements.

(T) The implementation of testing requirements for teacher licensing renewal.

(U) A review of the District of Columbia public school central office budget and staffing reductions for each fiscal year compared to the level of such budget and reductions at the end of fiscal year 1995.

(V) The implementation of the discipline policy for the District of Columbia public schools in order to ensure a safe, disciplined environment conducive to learning.

(2) OTHER INFORMATION.—For each of the items described in subparagraphs (A) through (V) of paragraph (1), the long-term reform plan shall include—

(A) a statement of measurable, objective performance goals;

(B) a description of the measures of performance to be used in determining whether the Superintendent and Board of Education have met the goals;

(C) dates by which the goals shall be met;

(D) plans for monitoring and reporting progress to District of Columbia residents, the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees regarding the carrying out of the long-term reform plan; and

(E) the title of the management employee of the District of Columbia public schools most directly responsible for the achievement of each goal and, with respect to each such employee, the title of the employee's immediate supervisor or superior.

(c) AMENDMENTS.—The Superintendent, with the approval of the Board of Education, shall submit any amendment to the long-term reform plan to the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees. Any amendment to the long-term reform plan shall be consistent with the financial plan and budget for fiscal year 1996, and each financial plan and budget for a subsequent fiscal year, as the case may be, for the District of Columbia required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

#### SEC. 2102. SUPERINTENDENT'S REPORT ON REFORMS.

Not later than December 1, 1996, the Superintendent shall submit to the appropriate congressional committees, the Board of Education, the Mayor, the Consensus Commission, and the District

of Columbia Council a report regarding the progress of the District of Columbia public schools toward achieving the goals of the long-term reform plan.

**SEC. 2103. DISTRICT OF COLUMBIA COUNCIL REPORT.**

Not later than April 1, 1997, the Chairperson of the District of Columbia Council shall submit to the appropriate congressional committees a report describing legislative and other actions the District of Columbia Council has taken or will take to facilitate the implementation of the goals of the long-term reform plan.

**Subtitle B—Public Charter Schools**

**SEC. 2201. PROCESS FOR FILING CHARTER PETITIONS.**

(a) **EXISTING PUBLIC SCHOOL.**—An eligible applicant seeking to convert a District of Columbia public school into a public charter school—

(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2202;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school; and

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) is signed by two-thirds of the sum of—

(i) the total number of parents of minor students attending the school; and

(ii) the total number of adult students attending the school; and

(B) is endorsed by at least two-thirds of full-time teachers employed in the school.

(b) **PRIVATE OR INDEPENDENT SCHOOL.**—An eligible applicant seeking to convert an existing private or independent school in the District of Columbia into a public charter school—

(1) shall prepare a petition to establish a public charter school that is approved by the Board of Trustees or authority responsible for the school and that meets the requirements of section 2202;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school; and

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) is signed by two-thirds of the sum of—

(i) the total number of parents of minor students attending the school; and

(ii) the total number of adult students attending the school; and

(B) is endorsed by at least two-thirds of full-time teachers employed in the school.

(c) **NEW SCHOOL.**—An eligible applicant seeking to establish in the District of Columbia a public charter school, but not seeking to convert a District of Columbia public school or a private or

independent school into a public charter school, shall file with an eligible chartering authority for approval a petition to establish a public charter school that meets the requirements of section 2202.

#### SEC. 2202. CONTENTS OF PETITION.

A petition under section 2201 to establish a public charter school shall include the following:

(1) A statement defining the mission and goals of the proposed school and the manner in which the school will conduct any districtwide assessments.

(2) A statement of the need for the proposed school in the geographic area of the school site.

(3) A description of the proposed instructional goals and methods for the proposed school, which shall include, at a minimum—

(A) the area of focus of the proposed school, such as mathematics, science, or the arts, if the school will have such a focus;

(B) the methods that will be used, including classroom technology, to provide students with the knowledge, proficiency, and skills needed—

(i) to become nationally and internationally competitive students and educated individuals in the 21st century; and

(ii) to perform competitively on any districtwide assessments; and

(C) the methods that will be used to improve student self-motivation, classroom instruction, and learning for all students.

(4) A description of the scope and size of the proposed school's program that will enable students to successfully achieve the goals established by the school, including the grade levels to be served by the school and the projected and maximum enrollment of each grade level.

(5) A description of the plan for evaluating student academic achievement at the proposed school and the procedures for remedial action that will be used by the school when the academic achievement of a student falls below the expectations of the school.

(6) An operating budget for the first 2 years of the proposed school that is based on anticipated enrollment and contains—

(A) a description of the method for conducting annual audits of the financial, administrative, and programmatic operations of the school;

(B) either—

(i) an identification of the site where the school will be located, including a description of any buildings on the site and any buildings proposed to be constructed on the site; or

(ii) a timetable by which such an identification will be made;

(C) a description of any major contracts planned, with a value equal to or exceeding \$10,000, for equipment and services, leases, improvements, purchases of real property, or insurance; and

(D) a timetable for commencing operations as a public charter school.

(7) A description of the proposed rules and policies for governance and operation of the proposed school.

(8) Copies of the proposed articles of incorporation and bylaws of the proposed school.

(9) The names and addresses of the members of the proposed Board of Trustees and the procedures for selecting trustees.

(10) A description of the student enrollment, admission, suspension, expulsion, and other disciplinary policies and procedures of the proposed school, and the criteria for making decisions in such areas.

(11) A description of the procedures the proposed school plans to follow to ensure the health and safety of students, employees, and guests of the school and to comply with applicable health and safety laws, and all applicable civil rights statutes and regulations of the Federal Government and the District of Columbia.

(12) An explanation of the qualifications that will be required of employees of the proposed school.

(13) An identification, and a description, of the individuals and entities submitting the petition, including their names and addresses, and the names of the organizations or corporations of which such individuals are directors or officers.

(14) A description of how parents, teachers, and other members of the community have been involved in the design and will continue to be involved in the implementation of the proposed school.

(15) A description of how parents and teachers will be provided an orientation and other training to ensure their effective participation in the operation of the public charter school.

(16) An assurance the proposed school will seek, obtain, and maintain accreditation from at least one of the following:

(A) The Middle States Association of Colleges and Schools.

(B) The Association of Independent Maryland Schools.

(C) The Southern Association of Colleges and Schools.

(D) The Virginia Association of Independent Schools.

(E) American Montessori Internationale.

(F) The American Montessori Society.

(G) The National Academy of Early Childhood Programs.

(H) Any other accrediting body deemed appropriate by the eligible chartering authority that granted the charter to the school.

(17) In the case that the proposed school's educational program includes preschool or prekindergarten, an assurance the proposed school will be licensed as a child development center by the District of Columbia Government not later than the first date on which such program commences.

(18) An explanation of the relationship that will exist between the public charter school and the school's employees.

(19) A statement of whether the proposed school elects to be treated as a local educational agency or a District of Columbia public school for purposes of part B of the Individuals

With Disabilities Education Act (20 U.S.C. 1411 et seq.) and section 504 of the Rehabilitation Act of 1973 (20 U.S.C. 794), and notwithstanding any other provision of law the eligible chartering authority shall not have the authority to approve or disapprove such election.

**SEC. 2203. PROCESS FOR APPROVING OR DENYING PUBLIC CHARTER SCHOOL PETITIONS.**

(a) **SCHEDULE.**—An eligible chartering authority shall establish a schedule for receiving petitions to establish a public charter school and shall publish any such schedule in the District of Columbia Register and newspapers of general circulation.

(b) **PUBLIC HEARING.**—Not later than 45 days after a petition to establish a public charter school is filed with an eligible chartering authority, the eligible chartering authority shall hold a public hearing on the petition to gather the information that is necessary for the eligible chartering authority to make the decision to approve or deny the petition.

(c) **NOTICE.**—Not later than 10 days prior to the scheduled date of a public hearing on a petition to establish a public charter school, an eligible chartering authority—

(1) shall publish a notice of the hearing in the District of Columbia Register and newspapers of general circulation; and

(2) shall send a written notification of the hearing date to the eligible applicant who filed the petition.

(d) **APPROVAL.**—Subject to subsection (i), an eligible chartering authority may approve a petition to establish a public charter school, if—

(1) the eligible chartering authority determines that the petition satisfies the requirements of this subtitle;

(2) the eligible applicant who filed the petition agrees to satisfy any condition or requirement, consistent with this subtitle and other applicable law, that is set forth in writing by the eligible chartering authority as an amendment to the petition; and

(3) the eligible chartering authority determines that the public charter school has the ability to meet the educational objectives outlined in the petition.

(e) **TIMETABLE.**—An eligible chartering authority shall approve or deny a petition to establish a public charter school not later than 45 days after the conclusion of the public hearing on the petition.

(f) **EXTENSION.**—An eligible chartering authority and an eligible applicant may agree to extend the 45-day time period referred to in subsection (e) by a period that shall not exceed 30 days.

(g) **DENIAL EXPLANATION.**—If an eligible chartering authority denies a petition or finds the petition to be incomplete, the eligible chartering authority shall specify in writing the reasons for its decision and indicate, when the eligible chartering authority determines appropriate, how the eligible applicant who filed the petition may revise the petition to satisfy the requirements for approval.

(h) **APPROVED PETITION.**—

(1) **NOTICE.**—Not later than 10 days after an eligible chartering authority approves a petition to establish a public charter school, the eligible chartering authority shall provide a written notice of the approval, including a copy of the

approved petition and any conditions or requirements agreed to under subsection (d)(2), to the eligible applicant and to the Chief Financial Officer of the District of Columbia. The eligible chartering authority shall publish a notice of the approval of the petition in the District of Columbia Register and newspapers of general circulation.

(2) CHARTER.—The provisions described in paragraphs (1), (7), (8), (11), (16), (17), and (18) of section 2202 of a petition to establish a public charter school that are approved by an eligible chartering authority, together with any amendments to such provisions in the petition containing conditions or requirements agreed to by the eligible applicant under subsection (d)(2), shall be considered a charter granted to the school by the eligible chartering authority.

(i) NUMBER OF PETITIONS.—

(1) FIRST YEAR.—For academic year 1996-1997, not more than 10 petitions to establish public charter schools may be approved under this subtitle.

(2) SUBSEQUENT YEARS.—For academic year 1997-1998 and each academic year thereafter each eligible chartering authority shall not approve more than 5 petitions to establish a public charter school under this subtitle.

(j) EXCLUSIVE AUTHORITY OF THE ELIGIBLE CHARTERING AUTHORITY.—No governmental entity, elected official, or employee of the District of Columbia shall make, participate in making, or intervene in the making of, the decision to approve or deny a petition to establish a public charter school, except for officers or employees of the eligible chartering authority with which the petition is filed.

#### SEC. 2204. DUTIES, POWERS, AND OTHER REQUIREMENTS, OF PUBLIC CHARTER SCHOOLS.

(a) DUTIES.—A public charter school shall comply with all of the terms and provisions of its charter.

(b) POWERS.—A public charter school shall have the following powers:

(1) To adopt a name and corporate seal, but only if the name selected includes the words "public charter school".

(2) To acquire real property for use as the public charter school's facilities, from public or private sources.

(3) To receive and disburse funds for public charter school purposes.

(4) Subject to subsection (c)(1), to secure appropriate insurance and to make contracts and leases, including agreements to procure or purchase services, equipment, and supplies.

(5) To incur debt in reasonable anticipation of the receipt of funds from the general fund of the District of Columbia or the receipt of Federal or private funds.

(6) To solicit and accept any grants or gifts for public charter school purposes, if the public charter school—

(A) does not accept any grants or gifts subject to any condition contrary to law or contrary to its charter; and

(B) maintains for financial reporting purposes separate accounts for grants or gifts.

(7) To be responsible for the public charter school's operation, including preparation of a budget and personnel matters.

(8) To sue and be sued in the public charter school's own name.

(c) PROHIBITIONS AND OTHER REQUIREMENTS.—

(1) CONTRACTING AUTHORITY.—

(A) NOTICE REQUIREMENT.—Except in the case of an emergency (as determined by the eligible chartering authority of a public charter school), with respect to any contract proposed to be awarded by the public charter school and having a value equal to or exceeding \$10,000, the school shall publish a notice of a request for proposals in the District of Columbia Register and newspapers of general circulation not less than 30 days prior to the award of the contract.

(B) SUBMISSION TO THE AUTHORITY.—

(i) DEADLINE FOR SUBMISSION.—With respect to any contract described in subparagraph (A) that is awarded by a public charter school, the school shall submit to the Authority, not later than 3 days after the date on which the award is made, all bids for the contract received by the school, the name of the contractor who is awarded the contract, and the rationale for the award of the contract.

(ii) EFFECTIVE DATE OF CONTRACT.—

(I) IN GENERAL.—Subject to subclause (II), a contract described in subparagraph (A) shall become effective on the date that is 15 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later.

(II) EXCEPTION.—A contract described in subparagraph (A) shall be considered null and void if the Authority determines, within 12 days of the date the school makes the submission under clause (i) with respect to the contract, that the contract endangers the economic viability of the public charter school.

(2) TUITION.—A public charter school may not charge tuition, fees, or other mandatory payments, except to nonresident students, or for field trips or similar activities.

(3) CONTROL.—A public charter school—

(A) shall exercise exclusive control over its expenditures, administration, personnel, and instructional methods, within the limitations imposed in this subtitle; and

(B) shall be exempt from District of Columbia statutes, policies, rules, and regulations established for the District of Columbia public schools by the Superintendent, Board of Education, Mayor, District of Columbia Council, or Authority, except as otherwise provided in the school's charter or this subtitle.

(4) HEALTH AND SAFETY.—A public charter school shall maintain the health and safety of all students attending such school.

(5) CIVIL RIGHTS AND IDEA.—The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504

of the Rehabilitation Act of 1973 (29 U.S.C. 794), part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), shall apply to a public charter school.

(6) GOVERNANCE.—A public charter school shall be governed by a Board of Trustees in a manner consistent with the charter granted to the school and the provisions of this subtitle.

(7) OTHER STAFF.—No employee of the District of Columbia public schools may be required to accept employment with, or be assigned to, a public charter school.

(8) OTHER STUDENTS.—No student enrolled in a District of Columbia public school may be required to attend a public charter school.

(9) TAXES OR BONDS.—A public charter school shall not levy taxes or issue bonds.

(10) CHARTER REVISION.—A public charter school seeking to revise its charter shall prepare a petition for approval of the revision and file the petition with the eligible chartering authority that granted the charter. The provisions of section 2203 shall apply to such a petition in the same manner as such provisions apply to a petition to establish a public charter school.

(11) ANNUAL REPORT.—

(A) IN GENERAL.—A public charter school shall submit an annual report to the eligible chartering authority that approved its charter. The school shall permit a member of the public to review any such report upon request.

(B) CONTENTS.—A report submitted under subparagraph (A) shall include the following data:

(i) A report on the extent to which the school is meeting its mission and goals as stated in the petition for the charter school.

(ii) Student performance on any districtwide assessments.

(iii) Grade advancement for students enrolled in the public charter school.

(iv) Graduation rates, college admission test scores, and college admission rates, if applicable.

(v) Types and amounts of parental involvement.

(vi) Official student enrollment.

(vii) Average daily attendance.

(viii) Average daily membership.

(ix) A financial statement audited by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States.

(x) A report on school staff indicating the qualifications and responsibilities of such staff.

(xi) A list of all donors and grantors that have contributed monetary or in-kind donations having a value equal to or exceeding \$500 during the year that is the subject of the report.

(C) NONIDENTIFYING DATA.—Data described in clauses (i) through (ix) of subparagraph (B) that are included in an annual report shall not identify the individuals to whom the data pertain.

(12) CENSUS.—A public charter school shall provide to the Board of Education student enrollment data necessary for the Board of Education to comply with section 3 of article II of the Act of February 4, 1925 (D.C. Code, sec. 31-404) (relating to census of minors).

(13) COMPLAINT RESOLUTION PROCESS.—A public charter school shall establish an informal complaint resolution process.

(14) PROGRAM OF EDUCATION.—A public charter school shall provide a program of education which shall include one or more of the following:

(A) Preschool.

(B) Prekindergarten.

(C) Any grade or grades from kindergarten through grade 12.

(D) Residential education.

(E) Adult, community, continuing, and vocational education programs.

(15) NONSECTARIAN NATURE OF SCHOOLS.—A public charter school shall be nonsectarian and shall not be affiliated with a sectarian school or religious institution.

(16) NONPROFIT STATUS OF SCHOOL.—A public charter school shall be organized under the District of Columbia Non-profit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(17) IMMUNITY FROM CIVIL LIABILITY.—

(A) IN GENERAL.—A public charter school, and its incorporators, Board of Trustees, officers, employees, and volunteers, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(i) constitutes gross negligence;

(ii) constitutes an intentional tort; or

(iii) is criminal in nature.

(B) COMMON LAW IMMUNITY PRESERVED.—Subparagraph (A) shall not be construed to abrogate any immunity under common law of a person described in such subparagraph.

#### SEC. 2205. BOARD OF TRUSTEES OF A PUBLIC CHARTER SCHOOL.

(a) BOARD OF TRUSTEES.—The members of a Board of Trustees of a public charter school shall be elected or selected pursuant to the charter granted to the school. Such Board of Trustees shall have an odd number of members that does not exceed 7, of which—

(1) a majority shall be residents of the District of Columbia; and

(2) at least 2 shall be parents of a student attending the school.

(b) ELIGIBILITY.—An individual is eligible for election or selection to the Board of Trustees of a public charter school if the person—

(1) is a teacher or staff member who is employed at the school;

(2) is a parent of a student attending the school; or

(3) meets the election or selection criteria set forth in the charter granted to the school.

(c) ELECTION OR SELECTION OF PARENTS.—In the case of the first Board of Trustees of a public charter school to be elected

or selected after the date on which the school is granted a charter, the election or selection of the members under subsection (a)(2) shall occur on the earliest practicable date after classes at the school have commenced. Until such date, any other members who have been elected or selected shall serve as an interim Board of Trustees. Such an interim Board of Trustees may exercise all of the powers, and shall be subject to all of the duties, of a Board of Trustees.

(d) **FIDUCIARIES.**—The Board of Trustees of a public charter school shall be fiduciaries of the school and shall set overall policy for the school. The Board of Trustees may make final decisions on matters related to the operation of the school, consistent with the charter granted to the school, this subtitle, and other applicable law.

#### **SEC. 2206. STUDENT ADMISSION, ENROLLMENT, AND WITHDRAWAL.**

(a) **OPEN ENROLLMENT.**—Enrollment in a public charter school shall be open to all students who are residents of the District of Columbia and, if space is available, to nonresident students who meet the tuition requirement in subsection (e).

(b) **CRITERIA FOR ADMISSION.**—A public charter school may not limit enrollment on the basis of a student's race, color, religion, national origin, language spoken, intellectual or athletic ability, measures of achievement or aptitude, or status as a student with special needs. A public charter school may limit enrollment to specific grade levels.

(c) **RANDOM SELECTION.**—If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted using a random selection process.

(d) **ADMISSION TO AN EXISTING SCHOOL.**—During the 5-year period beginning on the date that a petition, filed by an eligible applicant seeking to convert a District of Columbia public school or a private or independent school into a public charter school, is approved, the school may give priority in enrollment to—

(1) students enrolled in the school at the time the petition is granted;

(2) the siblings of students described in paragraph (1); and

(3) in the case of the conversion of a District of Columbia public school, students who reside within the attendance boundaries, if any, in which the school is located.

(e) **NONRESIDENT STUDENTS.**—Nonresident students shall pay tuition to attend a public charter school at the applicable rate established for District of Columbia public schools administered by the Board of Education for the type of program in which the student is enrolled.

(f) **STUDENT WITHDRAWAL.**—A student may withdraw from a public charter school at any time and, if otherwise eligible, enroll in a District of Columbia public school administered by the Board of Education.

(g) **EXPULSION AND SUSPENSION.**—The principal of a public charter school may expel or suspend a student from the school based on criteria set forth in the charter granted to the school.

#### **SEC. 2207. EMPLOYEES.**

(a) **EXTENDED LEAVE OF ABSENCE WITHOUT PAY.**—

(1) LEAVE OF ABSENCE FROM DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—The Superintendent shall grant, upon request, an extended leave of absence, without pay, to an employee of the District of Columbia public schools for the purpose of permitting the employee to accept a position at a public charter school for a 2-year term.

(2) REQUEST FOR EXTENSION.—At the end of a 2-year term referred to in paragraph (1), an employee granted an extended leave of absence without pay under such paragraph may submit a request to the Superintendent for an extension of the leave of absence for an unlimited number of 2-year terms. The Superintendent may not unreasonably (as determined by the eligible chartering authority) withhold approval of the request.

(3) RIGHTS UPON TERMINATION OF LEAVE.—An employee granted an extended leave of absence without pay for the purpose described in paragraph (1) or (2) shall have the same rights and benefits under law upon termination of such leave of absence as an employee of the District of Columbia public schools who is granted an extended leave of absence without pay for any other purpose.

(b) RETIREMENT SYSTEM.—

(1) CREDITABLE SERVICE.—An employee of a public charter school who has received a leave of absence under subsection (a) shall receive creditable service, as defined in section 2604 of D.C. Law 2-139, effective March 3, 1979 (D.C. Code, sec. 1-627.4) and the rules established under such section, for the period of the employee's employment at the public charter school.

(2) AUTHORITY TO ESTABLISH SEPARATE SYSTEM.—A public charter school may establish a retirement system for employees under its authority.

(3) ELECTION OF RETIREMENT SYSTEM.—A former employee of the District of Columbia public schools who becomes an employee of a public charter school within 60 days after the date the employee's employment with the District of Columbia public schools is terminated may, at the time the employee commences employment with the public charter school, elect—

(A) to remain in a District of Columbia Government retirement system and continue to receive creditable service for the period of their employment at a public charter school; or

(B) to transfer into a retirement system established by the public charter school pursuant to paragraph (2).

(4) PROHIBITED EMPLOYMENT CONDITIONS.—No public charter school may require a former employee of the District of Columbia public schools to transfer to the public charter school's retirement system as a condition of employment.

(5) CONTRIBUTIONS.—

(A) EMPLOYEES ELECTING NOT TO TRANSFER.—In the case of a former employee of the District of Columbia public schools who elects to remain in a District of Columbia Government retirement system pursuant to paragraph (3)(A), the public charter school that employs the person shall make the same contribution to such system on behalf of the person as the District of Columbia would have been required to make if the person had continued to be an employee of the District of Columbia public schools.

(B) EMPLOYEES ELECTING TO TRANSFER.—In the case of a former employee of the District of Columbia public schools who elects to transfer into a retirement system of a public charter school pursuant to paragraph (3)(B), the applicable District of Columbia Government retirement system from which the former employee is transferring shall compute the employee's contribution to that system and transfer this amount, to the retirement system of the public charter school.

(c) EMPLOYMENT STATUS.—Notwithstanding any other provision of law and except as provided in this section, an employee of a public charter school shall not be considered to be an employee of the District of Columbia Government for any purpose.

**SEC. 2208. REDUCED FARES FOR PUBLIC TRANSPORTATION.**

A student attending a public charter school shall be eligible for reduced fares on the Metrobus and Metrorail Transit System on the same terms and conditions as are applicable under section 2 of D.C. Law 2-152, effective March 9, 1979 (D.C. Code, sec. 44-216 et seq.), to a student attending a District of Columbia public school.

**SEC. 2209. DISTRICT OF COLUMBIA PUBLIC SCHOOL SERVICES TO PUBLIC CHARTER SCHOOLS.**

The Superintendent may provide services, such as facilities maintenance, to public charter schools. All compensation for costs of such services shall be subject to negotiation and mutual agreement between a public charter school and the Superintendent.

**SEC. 2210. APPLICATION OF LAW.**

(a) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—  
(1) TREATMENT AS LOCAL EDUCATIONAL AGENCY.—

(A) IN GENERAL.—For any fiscal year, a public charter school shall be considered to be a local educational agency for purposes of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), and shall be eligible for assistance under such part, if the fraction the numerator of which is the number of low-income students enrolled in the public charter school during the fiscal year preceding the fiscal year for which the determination is made and the denominator of which is the total number of students enrolled in such public charter school for such preceding year, is equal to or greater than the lowest fraction determined for any District of Columbia public school receiving assistance under such part A where the numerator is the number of low-income students enrolled in such public school for such preceding year and the denominator is the total number of students enrolled in such public school for such preceding year.

(B) DEFINITION.—For the purposes of this subsection, the term "low-income student" means a student from a low-income family determined according to the measure adopted by the District of Columbia to carry out the provisions of part A of title I of the Elementary and Secondary Education Act of 1965 that is consistent with the measures described in section 1113(a)(5) of such Act (20 U.S.C. 6313(a)(5)) for the fiscal year for which the determination is made.

(2) ALLOCATION FOR FISCAL YEARS 1996 THROUGH 1998.—

(A) PUBLIC CHARTER SCHOOLS.—For fiscal years 1996 through 1998, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the District of Columbia's total allocation under such part which bears the same ratio to such total allocation as the number described in subparagraph (C) bears to the number described in subparagraph (D).

(B) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—For fiscal years 1996 through 1998, the District of Columbia public schools shall receive a portion of the District of Columbia's total allocation under part A of title I of the Elementary and Secondary Education Act of 1965 which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of subparagraph (D) bears to the aggregate total described in subparagraph (D).

(C) NUMBER OF ELIGIBLE STUDENTS ENROLLED IN THE PUBLIC CHARTER SCHOOL.—The number described in this subparagraph is the number of low-income students enrolled in the public charter school during the fiscal year preceding the fiscal year for which the determination is made.

(D) AGGREGATE NUMBER OF ELIGIBLE STUDENTS.—The number described in this subparagraph is the aggregate total of the following numbers:

(i) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made, were enrolled in a public charter school.

(ii) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made, were enrolled in a District of Columbia public school selected to provide services under part A of title I of the Elementary and Secondary Education Act of 1965.

(iii) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made—

(I) were enrolled in a private or independent school; and

(II) resided in an attendance area of a District of Columbia public school selected to provide services under part A of title I of the Elementary and Secondary Education Act of 1965.

(3) ALLOCATION FOR FISCAL YEAR 1999 AND THEREAFTER.—

(A) CALCULATION BY SECRETARY.—Notwithstanding sections 1124(a)(2), 1124A(a)(4), and 1125(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(a)(2), 6334(a)(4), and 6335(d)), for fiscal year 1999 and each fiscal year thereafter, the total allocation under part A of title I of such Act for all local educational agencies in the District of Columbia, including public charter schools that are eligible to receive assistance under such part, shall be calculated by the Secretary of Education. In making such calculation, such Secretary shall treat all

such local educational agencies as if such agencies were a single local educational agency for the District of Columbia.

(B) ALLOCATION.—

(i) PUBLIC CHARTER SCHOOLS.—For fiscal year 1999 and each fiscal year thereafter, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the number described in paragraph (2)(C) bears to the aggregate total described in paragraph (2)(D).

(ii) DISTRICT OF COLUMBIA PUBLIC SCHOOL.—For fiscal year 1999 and each fiscal year thereafter, the District of Columbia public schools shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(4) USE OF ESEA FUNDS.—The Board of Education may not direct a public charter school in the school's use of funds under part A of title I of the Elementary and Secondary Education Act of 1965.

(5) ESEA REQUIREMENTS.—Except as provided in paragraph (6), a public charter school receiving funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall comply with all requirements applicable to schools receiving such funds.

(6) INAPPLICABILITY OF CERTAIN ESEA PROVISIONS.—The following provisions of the Elementary and Secondary Education Act of 1965 shall not apply to a public charter school:

(A) Paragraphs (5) and (8) of section 1112(b) (20 U.S.C. 6312(b)).

(B) Paragraphs (1)(A), (1)(B), (1)(C), (1)(D), (1)(F), (1)(H), and (3) of section 1112(c) (20 U.S.C. 6312(c)).

(C) Section 1113 (20 U.S.C. 6313).

(D) Section 1115A (20 U.S.C. 6316).

(E) Subsections (a), (b), and (c) of section 1116 (20 U.S.C. 6317).

(F) Subsections (d) and (e) of section 1118 (20 U.S.C. 6319).

(G) Section 1120 (20 U.S.C. 6321).

(H) Subsections (a) and (c) of section 1120A (20 U.S.C. 6322).

(I) Section 1126 (20 U.S.C. 6337).

(b) PROPERTY AND SALES TAXES.—A public charter school shall be exempt from District of Columbia property and sales taxes.

(c) EDUCATION OF CHILDREN WITH DISABILITIES.—Notwithstanding any other provision of this title, each public charter school shall elect to be treated as a local educational agency or a District of Columbia public school for the purpose of part B of the Individuals With Disabilities Education Act (20 U.S.C. 1411 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

**SEC. 2211. POWERS AND DUTIES OF ELIGIBLE CHARTERING AUTHORITIES.****(a) OVERSIGHT.—****(1) IN GENERAL.—An eligible chartering authority—**

(A) shall monitor the operations of each public charter school to which the eligible chartering authority has granted a charter;

(B) shall ensure that each such school complies with applicable laws and the provisions of the charter granted to such school; and

(C) shall monitor the progress of each such school in meeting student academic achievement expectations specified in the charter granted to such school.

**(2) PRODUCTION OF BOOKS AND RECORDS.—**An eligible chartering authority may require a public charter school to which the eligible chartering authority has granted a charter to produce any book, record, paper, or document, if the eligible chartering authority determines that such production is necessary for the eligible chartering authority to carry out its functions under this subtitle.

**(b) FEES.—**

**(1) APPLICATION FEE.—**An eligible chartering authority may charge an eligible applicant a fee, not to exceed \$150, for processing a petition to establish a public charter school.

**(2) ADMINISTRATION FEE.—**In the case of an eligible chartering authority that has granted a charter to a public charter school, the eligible chartering authority may charge the school a fee, not to exceed one-half of one percent of the annual budget of the school, to cover the cost of undertaking the ongoing administrative responsibilities of the eligible chartering authority with respect to the school that are described in this subtitle. The school shall pay the fee to the eligible chartering authority not later than November 15 of each year.

**(c) IMMUNITY FROM CIVIL LIABILITY.—**

**(1) IN GENERAL.—**An eligible chartering authority, the Board of Trustees of such an eligible chartering authority, and a director, officer, employee, or volunteer of such an eligible chartering authority, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(A) constitutes gross negligence;

(B) constitutes an intentional tort; or

(C) is criminal in nature.

**(2) COMMON LAW IMMUNITY PRESERVED.—**Paragraph (1) shall not be construed to abrogate any immunity under common law of a person described in such paragraph.

**(d) ANNUAL REPORT.—**On or before July 30 of each year, each eligible chartering authority that issues a charter under this subtitle shall submit a report to the Mayor, the District of Columbia Council, the Board of Education, the Secretary of Education, the appropriate congressional committees, and the Consensus Commission that includes the following information:

(1) A list of the members of the eligible chartering authority and the addresses of such members.

(2) A list of the dates and places of each meeting of the eligible chartering authority during the year preceding the report.

(3) The number of petitions received by the eligible chartering authority for the conversion of a District of Columbia public school or a private or independent school to a public charter school, and for the creation of a new school as a public charter school.

(4) The number of petitions described in paragraph (3) that were approved and the number that were denied, as well as a summary of the reasons for which such petitions were denied.

(5) A description of any new charters issued by the eligible chartering authority during the year preceding the report.

(6) A description of any charters renewed by the eligible chartering authority during the year preceding the report.

(7) A description of any charters revoked by the eligible chartering authority during the year preceding the report.

(8) A description of any charters refused renewal by the eligible chartering authority during the year preceding the report.

(9) Any recommendations the eligible chartering authority has concerning ways to improve the administration of public charter schools.

#### SEC. 2212. CHARTER RENEWAL.

(a) TERM.—A charter granted to a public charter school shall remain in force for a 5-year period, but may be renewed for an unlimited number of times, each time for a 5-year period.

(b) APPLICATION FOR CHARTER RENEWAL.—In the case of a public charter school that desires to renew its charter, the Board of Trustees of the school shall file an application to renew the charter with the eligible chartering authority that granted the charter not later than 120 days nor earlier than 365 days before the expiration of the charter. The application shall contain the following:

(1) A report on the progress of the public charter school in achieving the goals, student academic achievement expectations, and other terms of the approved charter.

(2) All audited financial statements for the public charter school for the preceding 4 years.

(c) APPROVAL OF CHARTER RENEWAL APPLICATION.—The eligible chartering authority that granted a charter shall approve an application to renew the charter that is filed in accordance with subsection (b), except that the eligible chartering authority shall not approve such application if the eligible chartering authority determines that—

(1) the school committed a material violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in its charter, including violations relating to the education of children with disabilities; or

(2) the school failed to meet the goals and student academic achievement expectations set forth in its charter.

(d) PROCEDURES FOR CONSIDERATION OF CHARTER RENEWAL.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that has received an application to renew a charter that is filed by a Board of Trustees in accordance with subsection (b) shall provide to the Board of Trustees written notice of the right to an informal hearing on the application. The eligible chartering authority shall provide the notice not later

than 15 days after the date on which the eligible chartering authority received the application.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board of Trustees may request, in writing, an informal hearing on the application before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on an application to renew a charter—

(i) not later than 30 days after the date on which the eligible chartering authority provided the written notice of the right to a hearing, in the case of an application with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of an application with respect to which a hearing is held.

(B) REASONS FOR NONRENEWAL.—An eligible chartering authority that denies an application to renew a charter shall state in its decision the reasons for denial.

(5) ALTERNATIVES UPON NONRENEWAL.—If an eligible chartering authority denies an application to renew a charter granted to a public charter school, the Board of Education may—

(A) manage the school directly until alternative arrangements can be made for students at the school; or

(B) place the school in a probationary status that requires the school to take remedial actions, to be determined by the Board of Education, that directly relate to the grounds for the denial.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be subject to judicial review by an appropriate court of the District of Columbia.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

#### SEC. 2213. CHARTER REVOCATION.

(a) CHARTER OR LAW VIOLATIONS.—An eligible chartering authority that has granted a charter to a public charter school may revoke the charter if the eligible chartering authority deter-

mines that the school has committed a violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in the charter, including violations relating to the education of children with disabilities.

(b) FISCAL MISMANAGEMENT.—An eligible chartering authority that has granted a charter to a public charter school shall revoke the charter if the eligible chartering authority determines that the school—

(1) has engaged in a pattern of nonadherence to generally accepted accounting principles;

(2) has engaged in a pattern of fiscal mismanagement;

or

(3) is no longer economically viable.

(c) PROCEDURES FOR CONSIDERATION OF REVOCATION.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that is proposing to revoke a charter granted to a public charter school shall provide to the Board of Trustees of the school a written notice stating the reasons for the proposed revocation. The notice shall inform the Board of Trustees of the right of the Board of Trustees to an informal hearing on the proposed revocation.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board of Trustees may request, in writing, an informal hearing on the proposed revocation before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on the revocation of a charter—

(i) not later than 30 days after the date on which the eligible chartering authority provided the written notice of the right to a hearing, in the case of a proposed revocation with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed revocation with respect to which a hearing is held.

(B) REASONS FOR REVOCATION.—An eligible chartering authority that revokes a charter shall state in its decision the reasons for the revocation.

(5) ALTERNATIVES UPON REVOCATION.—If an eligible chartering authority revokes a charter granted to a public charter school, the Board of Education may manage the school directly until alternative arrangements can be made for students at the school.

**(6) JUDICIAL REVIEW.—**

(A) **AVAILABILITY OF REVIEW.**—A decision by an eligible chartering authority to revoke a charter shall be subject to judicial review by an appropriate court of the District of Columbia.

(B) **STANDARD OF REVIEW.**—A decision by an eligible chartering authority to revoke a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

**SEC. 2214. PUBLIC CHARTER SCHOOL BOARD.****(a) ESTABLISHMENT.—**

(1) **IN GENERAL.**—There is established within the District of Columbia Government a Public Charter School Board (in this section referred to as the “Board”).

(2) **MEMBERSHIP.**—The Secretary of Education shall present the Mayor a list of 15 individuals the Secretary determines are qualified to serve on the Board. The Mayor, in consultation with the District of Columbia Council, shall appoint 7 individuals from the list to serve on the Board. The Secretary of Education shall recommend, and the Mayor shall appoint, members to serve on the Board so that a knowledge of each of the following areas is represented on the Board:

(A) Research about and experience in student learning, quality teaching, and evaluation of and accountability in successful schools.

(B) The operation of a financially sound enterprise, including leadership and management techniques, as well as the budgeting and accounting skills critical to the startup of a successful enterprise.

(C) The educational, social, and economic development needs of the District of Columbia.

(D) The needs and interests of students and parents in the District of Columbia, as well as methods of involving parents and other members of the community in individual schools.

(3) **VACANCIES.**—Any time there is a vacancy in the membership of the Board, the Secretary of Education shall present the Mayor a list of 3 individuals the Secretary determines are qualified to serve on the Board. The Mayor, in consultation with the District of Columbia Council, shall appoint 1 individual from the list to serve on the Board. The Secretary shall recommend and the Mayor shall appoint, such member of the Board taking into consideration the criteria described in paragraph (2). Any member appointed to fill a vacancy occurring prior to the expiration of the term of a predecessor shall be appointed only for the remainder of the term.

(4) **TIME LIMIT FOR APPOINTMENTS.**—If, at any time, the Mayor does not appoint members to the Board sufficient to bring the Board's membership to 7 within 30 days of receiving a recommendation from the Secretary of Education under paragraph (2) or (3), the Secretary shall make such appointments as are necessary to bring the membership of the Board to 7.

(5) **TERMS OF MEMBERS.—**

(A) IN GENERAL.—Members of the Board shall serve for terms of 4 years, except that, of the initial appointments made under paragraph (2), the Mayor shall designate—

- (i) 2 members to serve terms of 3 years;
- (ii) 2 members to serve terms of 2 years; and
- (iii) 1 member to serve a term of 1 year.

(B) REAPPOINTMENT.—Members of the Board shall be eligible to be reappointed for one 4-year term beyond their initial term of appointment.

(6) INDEPENDENCE.—No person employed by the District of Columbia public schools or a public charter school shall be eligible to be a member of the Board or to be employed by the Board.

(b) OPERATIONS OF THE BOARD.—

(1) CHAIR.—The members of the Board shall elect from among their membership 1 individual to serve as Chair. Such election shall be held each year after members of the Board have been appointed to fill any vacancies caused by the regular expiration of previous members' terms, or when requested by a majority vote of the members of the Board.

(2) QUORUM.—A majority of the members of the Board, not including any positions that may be vacant, shall constitute a quorum sufficient for conducting the business of the Board.

(3) MEETINGS.—The Board shall meet at the call of the Chair, subject to the hearing requirements of sections 2203, 2212(d)(3), and 2213(c)(3).

(c) NO COMPENSATION FOR SERVICE.—Members of the Board shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Board.

(d) PERSONNEL AND RESOURCES.—

(1) IN GENERAL.—Subject to such rules as may be made by the Board, the Chair shall have the power to appoint, terminate, and fix the pay of an Executive Director and such other personnel of the Board as the Chair considers necessary, but no individual so appointed shall be paid in excess of the rate payable for level EG-16 of the Educational Service of the District of Columbia.

(2) SPECIAL RULE.—The Board is authorized to use the services, personnel, and facilities of the District of Columbia.

(e) EXPENSES OF BOARD.—Any expenses of the Board shall be paid from such funds as may be available to the Mayor: *Provided*, That within 45 days of the enactment of this Act the Mayor shall make available not less than \$130,000 to the Board.

(f) AUDIT.—The Board shall provide for an audit of the financial statements of the Board by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States.

(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the provisions of this section and conducting the Board's functions required by this subtitle, there are authorized to be appropriated \$300,000 for fiscal year 1997 and such sums as may be necessary for each of the 3 succeeding fiscal years.

#### SEC. 2215. FEDERAL ENTITIES.

(a) IN GENERAL.—The following Federal agencies and federally established entities are encouraged to explore whether it is feasible

for the agency or entity to establish one or more public charter schools:

- (1) The Library of Congress.
- (2) The National Aeronautics and Space Administration.
- (3) The Drug Enforcement Administration.
- (4) The National Science Foundation.
- (5) The Department of Justice.
- (6) The Department of Defense.
- (7) The Department of Education.
- (8) The Smithsonian Institution, including the National Zoological Park, the National Museum of American History, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art.

(b) REPORT.—Not later than 120 days after date of enactment of this Act, any agency or institution described in subsection (a) that has explored the feasibility of establishing a public charter school shall report its determination on the feasibility to the appropriate congressional committees.

### **Subtitle C—World Class Schools Task Force, Core Curriculum, Content Standards, Assessments, and Promotion Gates**

#### **PART 1—WORLD CLASS SCHOOLS TASK FORCE, CORE CURRICULUM, CONTENT STANDARDS, AND ASSESSMENTS**

##### **SEC. 2311. GRANT AUTHORIZED AND RECOMMENDATION REQUIRED.**

###### **(a) GRANT AUTHORIZED.—**

(1) IN GENERAL.—The Superintendent is authorized to award a grant to a World Class Schools Task Force to enable such task force to make the recommendation described in subsection (b).

(2) DEFINITION.—For the purpose of this subtitle, the term “World Class Schools Task Force” means 1 nonprofit organization located in the District of Columbia that—

- (A) has a national reputation for advocating content standards;
- (B) has a national reputation for advocating a strong liberal arts curriculum;
- (C) has experience with at least 4 urban school districts for the purpose of establishing content standards;
- (D) has developed and managed professional development programs in science, mathematics, the humanities and the arts; and
- (E) is governed by an independent board of directors composed of citizens with a variety of experiences in education and public policy.

###### **(b) RECOMMENDATION REQUIRED.—**

(1) IN GENERAL.—The World Class Schools Task Force shall recommend to the Superintendent, the Board of Education, and the District of Columbia Goals Panel the following:

- (A) Content standards in the core academic subjects that are developed by working with the District of Columbia community, which standards shall be developed not later than 12 months after the date of enactment of this Act.

(B) A core curriculum developed by working with the District of Columbia community, which curriculum shall include the teaching of computer skills.

(C) Districtwide assessments for measuring student achievement in accordance with content standards developed under subparagraph (A). Such assessments shall be developed at several grade levels, including at a minimum, the grade levels with respect to which the Superintendent establishes promotion gates under section 2321. To the extent feasible, such assessments shall, at a minimum, be designed to provide information that permits comparisons between—

(i) individual District of Columbia public schools and public charter schools; and

(ii) individual students attending such schools.

(D) Model professional development programs for teachers using the standards and curriculum developed under subparagraphs (A) and (B).

(2) SPECIAL RULE.—The World Class Schools Task Force is encouraged, to the extent practicable, to develop districtwide assessments described in paragraph (1)(C) that permit comparisons among—

(A) individual District of Columbia public schools and public charter schools, and individual students attending such schools; and

(B) students of other nations.

(c) CONTENT.—The content standards and assessments recommended under subsection (b) shall be judged by the World Class Schools Task Force to be world class, including having a level of quality and rigor, or being analogous to content standards and assessments of other States or nations (including nations whose students historically score high on international studies of student achievement).

(d) SUBMISSION TO BOARD OF EDUCATION FOR ADOPTION.—If the content standards, curriculum, assessments, and programs recommended under subsection (b) are approved by the Superintendent, the Superintendent may submit such content standards, curriculum, assessments, and programs to the Board of Education for adoption.

#### SEC. 2312. CONSULTATION.

The World Class Schools Task Force shall conduct its duties under this part in consultation with—

(1) the District of Columbia Goals Panel;

(2) officials of the District of Columbia public schools who have been identified by the Superintendent as having responsibilities relevant to this part, including the Deputy Superintendent for Curriculum;

(3) the District of Columbia community, with particular attention given to educators, and parent and business organizations; and

(4) any other persons or groups that the task force deems appropriate.

#### SEC. 2313. ADMINISTRATIVE PROVISIONS.

The World Class Schools Task Force shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) that

are relevant to its duties under this part and shall make available to the public, at reasonable cost, transcripts of such proceedings.

#### **SEC. 2314. CONSULTANTS.**

Upon the request of the World Class Schools Task Force, the head of any department or agency of the Federal Government may detail any of the personnel of such agency to such task force to assist such task force in carrying out such task force's duties under this part.

#### **SEC. 2315. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated \$2,000,000 for fiscal year 1997 to carry out this part. Such funds shall remain available until expended.

### **PART 2—PROMOTION GATES**

#### **SEC. 2321. PROMOTION GATES.**

(a) **KINDERGARTEN THROUGH 4TH GRADE.**—Not later than one year after the date of adoption in accordance with section 2311(d) of the assessments described in section 2311(b)(1)(C), the Superintendent shall establish and implement promotion gates for mathematics, reading, and writing, for not less than one grade level from kindergarten through grade 4, including at least grade 4, and shall establish dates for establishing such other promotion gates for other subject areas.

(b) **5TH THROUGH 8TH GRADES.**—Not later than one year after the adoption in accordance with section 2311(d) of the assessments described in section 2311(b)(1)(C), the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from grade 5 through grade 8, including at least grade 8.

(c) **9TH THROUGH 12TH GRADES.**—Not later than one year after the adoption in accordance with section 2311(d) of the assessments described in section 2311(b)(1)(C), the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from grade 9 through grade 12, including at least grade 12.

### **Subtitle D—Per Capita District of Columbia Public School and Public Charter School Funding**

#### **SEC. 2401. ANNUAL BUDGETS FOR SCHOOLS.**

(a) **IN GENERAL.**—For fiscal year 1997 and for each subsequent fiscal year, the Mayor shall make annual payments from the general fund of the District of Columbia in accordance with the formula established under subsection (b).

##### **(b) FORMULA.—**

(1) **IN GENERAL.**—The Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, shall establish not later than 90 days after enactment of this Act, a formula to determine the amount of—

(A) the annual payment to the Board of Education for the operating expenses of the District of Columbia public schools, which for purposes of this paragraph includes the

operating expenses of the Board of Education and the Office of the Superintendent; and

(B) the annual payment to each public charter school for the operating expenses of each public charter school.

(2) FORMULA CALCULATION.—Except as provided in paragraph (3), the amount of the annual payment under paragraph (1) shall be calculated by multiplying a uniform dollar amount used in the formula established under such paragraph by—

(A) the number of students calculated under section 2402 that are enrolled at District of Columbia public schools, in the case of the payment under paragraph (1)(A); or

(B) the number of students calculated under section 2402 that are enrolled at each public charter school, in the case of a payment under paragraph (1)(B).

(3) EXCEPTIONS.—

(A) FORMULA.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the formula to increase or decrease the amount of the annual payment to the District of Columbia public schools or each public charter school based on a calculation of—

(i) the number of students served by such schools in certain grade levels; and

(ii) the cost of educating students at such certain grade levels.

(B) PAYMENT.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the amount of the annual payment under paragraph (1) to increase the amount of such payment if a District of Columbia public school or a public charter school serves a high number of students—

(i) with special needs; or

(ii) who do not meet minimum literacy standards.

#### SEC. 2402. CALCULATION OF NUMBER OF STUDENTS.

(a) SCHOOL REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than September 15, 1996, and not later than September 15 of each year thereafter, each District of Columbia public school and public charter school shall submit a report to the Mayor and the Board of Education containing the information described in subsection (b) that is applicable to such school.

(2) SPECIAL RULE.—Not later than April 1, 1997, and not later than April 1 of each year thereafter, each public charter school shall submit a report in the same form and manner as described in paragraph (1) to ensure accurate payment under section 2403(a)(2)(B)(ii).

(b) CALCULATION OF NUMBER OF STUDENTS.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall calculate the following:

(1) The number of students, including nonresident students and students with special needs, enrolled in each grade from kindergarten through grade 12 of the District of Columbia

public schools and in public charter schools, and the number of students whose tuition for enrollment in other schools is paid for with funds available to the District of Columbia public schools.

(2) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (1).

(3) The number of students, including nonresident students, enrolled in preschool and prekindergarten in the District of Columbia public schools and in public charter schools.

(4) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (3).

(5) The number of full time equivalent adult students enrolled in adult, community, continuing, and vocational education programs in the District of Columbia public schools and in public charter schools.

(6) The amount of fees and tuition assessed and collected from resident and nonresident adult students described in paragraph (5).

(7) The number of students, including nonresident students, enrolled in nongrade level programs in District of Columbia public schools and in public charter schools.

(8) The amount of fees and tuition assessed and collected from nonresident students described in paragraph (7).

(c) ANNUAL REPORTS.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall prepare and submit to the Authority, the Mayor, the District of Columbia Council, the Consensus Commission, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the most recent calculations made under subsection (b).

(d) AUDIT OF INITIAL CALCULATIONS.—

(1) IN GENERAL.—The Board of Education shall arrange with the Authority to provide for the conduct of an independent audit of the initial calculations described in subsection (b).

(2) CONDUCT OF AUDIT.—In conducting the audit, the independent auditor—

(A) shall provide an opinion as to the accuracy of the information contained in the report described in subsection (c); and

(B) shall identify any material weaknesses in the systems, procedures, or methodology used by the Board of Education—

(i) in determining the number of students, including nonresident students, enrolled in the District of Columbia public schools and in public charter schools, and the number of students whose tuition for enrollment in other school systems is paid for by funds available to the District of Columbia public schools; and

(ii) in assessing and collecting fees and tuition from nonresident students.

(3) SUBMISSION OF AUDIT.—Not later than 45 days, or as soon thereafter as is practicable, after the date on which the Authority receives the initial annual report from the Board of Education under subsection (c), the Authority shall submit to the Board of Education, the Mayor, the District of Columbia

Council, and the appropriate congressional committees, the audit conducted under this subsection.

(4) **COST OF THE AUDIT.**—The Board of Education shall reimburse the Authority for the cost of the independent audit, solely from amounts appropriated to the Board of Education for staff, stipends, and other-than-personal-services of the Board of Education by an Act making appropriations for the District of Columbia.

#### **SEC. 2403. PAYMENTS.**

##### **(a) IN GENERAL.**—

(1) **ESCROW FOR PUBLIC CHARTER SCHOOLS.**—Except as provided in subsection (b), for any fiscal year, not later than 10 days after the date of enactment of an Act making appropriations for the District of Columbia for such fiscal year, the Mayor shall place in escrow an amount equal to the aggregate of the amounts determined under section 2401(b)(1)(B) for use only by District of Columbia public charter schools.

##### **(2) TRANSFER OF ESCROW FUNDS.**—

(A) **INITIAL PAYMENT.**—Not later than October 15, 1996, and not later than October 15 of each year thereafter, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for each public charter school determined by using the formula established pursuant to section 2401(b) to a bank designated by such school.

##### **(B) FINAL PAYMENT.**—

(i) Except as provided in clause (ii), not later than May 1, 1997, and not later than May 1 of each year thereafter, the Mayor shall transfer the remainder of the annual payment for a public charter school in the same manner as the initial payment was made under subparagraph (A).

(ii) Not later than March 15, 1997, and not later than March 15 of each year thereafter, if the enrollment number of a public charter school has changed from the number reported to the Mayor and the Board of Education, as required under section 2402(a), the Mayor shall increase the payment in an amount equal to 50 percent of the amount provided for each student who has enrolled in such school in excess of such enrollment number, or shall reduce the payment in an amount equal to 50 percent of the amount provided for each student who has withdrawn or dropped out of such school below such enrollment number.

##### **(C) PRO RATA REDUCTION OR INCREASE IN PAYMENTS.**—

(i) **PRO RATA REDUCTION.**—If the funds made available to the District of Columbia Government for the District of Columbia public school system and each public charter school for any fiscal year are insufficient to pay the full amount that such system and each public charter school is eligible to receive under this subtitle for such year, the Mayor shall ratably reduce such amounts for such year on the basis of the formula described in section 2401(b).

(ii) **INCREASE.**—If additional funds become available for making payments under this subtitle for such

fiscal year, amounts that were reduced under subparagraph (A) shall be increased on the same basis as such amounts were reduced.

(D) UNEXPENDED FUNDS.—Any funds that remain in the escrow account for public charter schools on September 30 of a fiscal year shall revert to the general fund of the District of Columbia.

(b) EXCEPTION FOR NEW SCHOOLS.—

(1) AUTHORIZATION.—There are authorized to be appropriated \$200,000 for each fiscal year to carry out this subsection.

(2) DISBURSEMENT TO MAYOR.—The Secretary of the Treasury shall make available and disburse to the Mayor, not later than August 1 of each of the fiscal years 1996 through 2000, such funds as have been appropriated under paragraph (1).

(3) ESCROW.—The Mayor shall place in escrow, for use by public charter schools, any sum disbursed under paragraph (2) and not paid under paragraph (4).

(4) PAYMENTS TO SCHOOLS.—The Mayor shall pay to public charter schools described in paragraph (5), in accordance with this subsection, any sum disbursed under paragraph (2).

(5) SCHOOLS DESCRIBED.—The schools referred to in paragraph (4) are public charter schools that—

(A) did not operate as public charter schools during any portion of the fiscal year preceding the fiscal year for which funds are authorized to be appropriated under paragraph (1); and

(B) operated as public charter schools during the fiscal year for which funds are authorized to be appropriated under paragraph (1).

(6) FORMULA.—

(A) 1996.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in fiscal year 1996 shall be calculated by multiplying \$6,300 by  $\frac{1}{12}$  of the total anticipated enrollment as set forth in the petition to establish the public charter school; and

(B) 1997 THROUGH 2000.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in any of fiscal years 1997 through 2000 shall be calculated by multiplying the uniform dollar amount used in the formula established under section 2401(b) by  $\frac{1}{12}$  of the total anticipated enrollment as set forth in the petition to establish the public charter school.

(7) PAYMENT TO SCHOOLS.—

(A) TRANSFER.—On September 1 of each of the years 1996 through 2000, the Mayor shall transfer, by electronic funds transfer, the amount determined under paragraph (6) for each public charter school from the escrow account established under subsection (a) to a bank designated by each such school.

(B) PRO RATA AND REMAINING FUNDS.—Subparagraphs (C) and (D) of subsection (a)(2) shall apply to payments made under this subsection, except that for purposes of this subparagraph references to District of Columbia public schools in such subparagraphs (C) and (D) shall be read to refer to public charter schools.

## Subtitle E—School Facilities Repair and Improvement

### SEC. 2550. DEFINITIONS.

For purposes of this subtitle—

(1) the term “facilities” means buildings, structures, and real property of the District of Columbia public schools, except that such term does not include any administrative office building that is not located in a building containing classrooms; and

(2) the term “repair and improvement” includes administration, construction, and renovation.

### PART 1—SCHOOL FACILITIES

#### SEC. 2551. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act the Administrator of the General Services Administration shall enter into a Memorandum of Agreement or Understanding (referred to in this subtitle as the “Agreement”) with the Superintendent regarding the terms under which the Administrator will provide technical assistance and related services with respect to District of Columbia public schools facilities management in accordance with this section.

(b) TECHNICAL ASSISTANCE AND RELATED SERVICES.—The technical assistance and related services described in subsection (a) shall include—

(1) the Administrator consulting with and advising District of Columbia public school personnel responsible for public schools facilities management, including repair and improvement with respect to facilities management of such schools;

(2) the Administrator assisting the Superintendent in developing a systemic and comprehensive facilities revitalization program, for the repair and improvement of District of Columbia public school facilities, which program shall—

(A) include a list of facilities to be repaired and improved in a recommended order of priority;

(B) provide the repair and improvement required to support modern technology; and

(C) take into account the Preliminary Facilities Master Plan 2005 (prepared by the Superintendent’s Task Force on Education Infrastructure for the 21st Century);

(3) the method by which the Superintendent will accept donations of private goods and services for use by the District of Columbia public schools without regard to any law or regulation of the District of Columbia;

(4) the Administrator recommending specific repair and improvement projects in District of Columbia public school facilities to the Superintendent that are appropriate for completion by members and units of the National Guard and the Reserves in accordance with the program developed under paragraph (2);

(5) upon the request of the Superintendent, the Administrator assisting the appropriate District of Columbia public school officials in the preparation of an action plan for the performance of any repair and improvement recommended in

the program developed under paragraph (2), which action plan shall detail the technical assistance and related services the Administrator proposes to provide in the accomplishment of the repair and improvement;

(6) upon the request of the Superintendent, and if consistent with the efficient use of resources as determined by the Administrator, the coordination of the accomplishment of any repair and improvement in accordance with the action plan prepared under paragraph (5), except that in carrying out this paragraph, the Administrator shall not be subject to the requirements of title III of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq., and 41 U.S.C. 251 et seq.), the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), nor shall such action plan be subject to review under the bid protest procedures described in sections 3551 through 3556 of title 31, United States Code, or the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.);

(7) providing access for the Administrator to all District of Columbia public school facilities as well as permitting the Administrator to request and obtain any record or document regarding such facilities as the Administrator determines necessary, except that any such record or document shall not become a record (as defined in section 552a of title 5, United States Code) of the General Services Administration; and

(8) the Administrator making recommendations regarding how District of Columbia public school facilities may be used by the District of Columbia community for multiple purposes.

(c) AGREEMENT PROVISIONS.—The Agreement shall include—

(1) the procedures by which the Superintendent and Administrator will consult with respect to carrying out this section, including reasonable time frames for such consultation;

(2) the scope of the technical assistance and related services to be provided by the General Services Administration in accordance with this section;

(3) assurances by the Administrator and the Superintendent to cooperate with each other in any way necessary to ensure implementation of the Agreement, including assurances that funds available to the District of Columbia shall be used to pay the obligations of the District of Columbia public school system that are incurred as a result of actions taken under, or in furtherance of, the Agreement, in addition to funds available to the Administrator for purposes of this section; and

(4) the duration of the Agreement, except that in no event shall the Agreement remain in effect later than the day that is 24 months after the date that the Agreement is signed, or the day that the agency designated pursuant to section 2552(a)(2) assumes responsibility for the District of Columbia public school facilities, whichever day is earlier.

(d) LIMITATION ON ADMINISTRATOR'S LIABILITY.—No claim, suit, or action may be brought against the Administrator in connection with the discharge of the Administrator's responsibilities under this subtitle.

(e) SPECIAL RULE.—Notwithstanding any other provision of law, the Administrator is authorized to accept and use a conditioned gift made for the express purpose of repairing or improving a District of Columbia public school, except that the Administrator shall not be required to carry out any repair or improvement

under this section unless the Administrator accepts a donation of private goods or services sufficient to cover the costs of such repair or improvement.

(f) EFFECTIVE DATE.—This subtitle shall cease to be effective on the earlier day specified in subsection (c)(4).

#### SEC. 2552. FACILITIES REVITALIZATION PROGRAM.

(a) PROGRAM.—Not later than 12 months after the date of enactment of this Act, the Mayor and the District of Columbia Council in consultation with the Administrator, the Authority, the Board of Education, and the Superintendent, shall—

(1) design and implement a comprehensive long-term program for the repair and improvement, and maintenance and management, of the District of Columbia public school facilities, which program shall incorporate the work completed in accordance with the program described in section 2551(b)(2); and

(2) designate a new or existing agency or authority within the District of Columbia Government to administer such program.

(b) PROCEEDS.—Such program shall include—

(1) identifying short-term funding for capital and maintenance of facilities, which may include retaining proceeds from the sale or lease of a District of Columbia public school facility; and

(2) identifying and designating long-term funding for capital and maintenance of facilities.

(c) IMPLEMENTATION.—Upon implementation of such program, the agency or authority created or designated pursuant to subsection (a)(2) shall assume authority and responsibility for the repair and improvement, and maintenance and management, of District of Columbia public schools.

### PART 2—WAIVERS

#### SEC. 2561. WAIVERS.

(a) IN GENERAL.—

(1) REQUIREMENTS WAIVED.—Subject to subsection (b), all District of Columbia fees and all requirements contained in the document entitled “District of Columbia Public Schools Standard Contract Provisions” (as such document was in effect on November 2, 1995 and including any revisions or modifications to such document) published by the District of Columbia public schools for use with construction or maintenance projects, are waived, for purposes of repair and improvement of District of Columbia public schools facilities for a period beginning on the date of enactment of this Act and ending 24 months after such date.

(2) DONATIONS.—Any individual may volunteer his or her services or may donate materials to a District of Columbia public school facility for the repair and improvement of such facility provided that the provision of voluntary services meets the requirements of 29 U.S.C. 203(c)(4).

(b) LIMITATION.—A waiver under subsection (a) shall not apply to requirements under 40 U.S.C. 276a-276a-7.

**PART 3—GIFTS, DONATIONS, BEQUESTS, AND DEVISES****SEC. 2571. GIFTS, DONATIONS, BEQUESTS, AND DEVISES.**

(a) **IN GENERAL.**—A District of Columbia public school or a public charter school may accept directly from any person a gift, donation, bequest, or devise of any property, real or personal, without regard to any law or regulation of the District of Columbia.

(b) **TAX LAWS.**—For the purposes of the income tax, gift tax, and estate tax laws of the Federal Government, any money or other property given, donated, bequeathed, or devised to a District of Columbia public school or a public charter school, shall be deemed to have been given, donated, bequeathed, or devised to or for the use of the District of Columbia.

**Subtitle F—Partnerships With Business****SEC. 2601. PURPOSE.**

The purpose of this subtitle is—

(1) to leverage private sector funds utilizing initial Federal investments in order to provide students and teachers within the District of Columbia public schools and public charter schools with access to state-of-the-art educational technology;

(2) to establish a regional job training and employment center;

(3) to strengthen workforce preparation initiatives for students within the District of Columbia public schools and public charter schools;

(4) to coordinate private sector investments in carrying out this title; and

(5) to assist the Superintendent with the development of individual career paths in accordance with the long-term reform plan.

**SEC. 2602. DUTIES OF THE SUPERINTENDENT OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.**

The Superintendent is authorized to provide a grant to a private, nonprofit corporation that meets the eligibility criteria under section 2603 for the purposes of carrying out the duties under sections 2604 and 2607.

**SEC. 2603. ELIGIBILITY CRITERIA FOR PRIVATE, NONPROFIT CORPORATION.**

A private, nonprofit corporation shall be eligible to receive a grant under section 2602 if the corporation is a national business organization incorporated in the District of Columbia, that—

(1) has a board of directors which includes members who are also chief executive officers of technology-related corporations involved in education and workforce development issues;

(2) has extensive practical experience with initiatives that link business resources and expertise with education and training systems;

(3) has experience in working with State and local educational agencies throughout the United States with respect to the integration of academic studies with workforce preparation programs; and

(4) has a nationwide structure through which additional resources can be leveraged and innovative practices disseminated.

**SEC. 2604. DUTIES OF THE PRIVATE, NONPROFIT CORPORATION.**

**(a) DISTRICT EDUCATION AND LEARNING TECHNOLOGIES ADVANCEMENT COUNCIL.—**

(1) **ESTABLISHMENT.**—The private, nonprofit corporation shall establish a council to be known as the “District Education and Learning Technologies Advancement Council” (in this subtitle referred to as the “council”).

**(2) MEMBERSHIP.—**

(A) **IN GENERAL.**—The private, nonprofit corporation shall appoint members to the council. An individual shall be appointed as a member to the council on the basis of the commitment of the individual, or the entity which the individual is representing, to providing time, energy, and resources to the council.

(B) **COMPENSATION.**—Members of the council shall serve without compensation.

**(3) DUTIES.—The council—**

(A) shall advise the private, nonprofit corporation with respect to the duties of the corporation under subsections (b) through (d) of this section; and

(B) shall assist the corporation in leveraging private sector resources for the purpose of carrying out such duties.

**(b) ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY.—**

(1) **IN GENERAL.**—The private, nonprofit corporation, in conjunction with the Superintendent, students, parents, and teachers, shall establish and implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(2) **ELECTRONIC DATA TRANSFER SYSTEM.**—The private, nonprofit corporation shall assist the Superintendent in acquiring the necessary equipment, including computer hardware and software, to establish an electronic data transfer system. The private, nonprofit corporation shall also assist in arranging for training of District of Columbia public school employees in using such equipment.

**(3) TECHNOLOGY ASSESSMENT.—**

(A) **IN GENERAL.**—In establishing and implementing the strategies under paragraph (1), the private, nonprofit corporation, not later than September 1, 1996, shall provide for an assessment of the availability, on the date of enactment of this Act, of state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(B) **CONDUCT OF ASSESSMENT.**—In providing for the assessment under subparagraph (A), the private, nonprofit corporation—

(i) shall provide for onsite inspections of the state-of-the-art educational technology within a minimum sampling of District of Columbia public schools and public charter schools; and

(ii) shall ensure proper input from students, parents, teachers, and other school officials through the use of focus groups and other appropriate mechanisms.

(C) RESULTS OF ASSESSMENT.—The private, nonprofit corporation shall ensure that the assessment carried out under this paragraph provides, at a minimum, necessary information on state-of-the-art educational technology within the District of Columbia public schools and public charter schools, including—

(i) the extent to which typical District of Columbia public schools have access to such state-of-the-art educational technology and training for such technology;

(ii) how such schools are using such technology;

(iii) the need for additional technology and the need for infrastructure for the implementation of such additional technology;

(iv) the need for computer hardware, software, training, and funding for such additional technology or infrastructure; and

(v) the potential for computer linkages among District of Columbia public schools and public charter schools.

(4) SHORT-TERM TECHNOLOGY PLAN.—

(A) IN GENERAL.—Based upon the results of the technology assessment under paragraph (3), the private, nonprofit corporation shall develop a 3-year plan that includes goals, priorities, and strategies for obtaining the resources necessary to implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(B) IMPLEMENTATION.—The private, nonprofit corporation, in conjunction with schools, students, parents, and teachers, shall implement the plan developed under subparagraph (A).

(5) LONG-TERM TECHNOLOGY PLAN.—Prior to the completion of the implementation of the short-term technology plan under paragraph (4), the private, nonprofit corporation shall develop a plan under which the corporation will continue to coordinate the donation of private sector resources for maintaining the continuous improvement and upgrading of state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(c) DISTRICT EMPLOYMENT AND LEARNING CENTER.—

(1) ESTABLISHMENT.—The private, nonprofit corporation shall establish a center to be known as the “District Employment and Learning Center” (in this subtitle referred to as the “center”), which shall serve as a regional institute providing job training and employment assistance.

(2) DUTIES.—

(A) JOB TRAINING AND EMPLOYMENT ASSISTANCE PROGRAM.—The center shall establish a program to provide job training and employment assistance in the District of Columbia and shall coordinate with career preparation programs in existence on the date of enactment of this Act, such as vocational education, school-to-work, and career academies in the District of Columbia public schools.

(B) CONDUCT OF PROGRAM.—In carrying out the program established under subparagraph (A), the center—

(i) shall provide job training and employment assistance to youths who have attained the age of

18 but have not attained the age of 26, who are residents of the District of Columbia, and who are in need of such job training and employment assistance for an appropriate period not to exceed 2 years;

(ii) shall work to establish partnerships and enter into agreements with appropriate agencies of the District of Columbia Government to serve individuals participating in appropriate Federal programs, including programs under the Job Training Partnership Act (29 U.S.C. 1501 et seq.), the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.), the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.);

(iii) shall conduct such job training, as appropriate, through a consortium of colleges, universities, community colleges, businesses, and other appropriate providers, in the District of Columbia metropolitan area;

(iv) shall design modular training programs that allow students to enter and leave the training curricula depending on their opportunities for job assignments with employers; and

(v) shall utilize resources from businesses to enhance work-based learning opportunities and facilitate access by students to work-based learning and work experience through temporary work assignments with employers in the District of Columbia metropolitan area.

(C) COMPENSATION.—The center may provide compensation to youths participating in the program under this paragraph for part-time work assigned in conjunction with training. Such compensation may include need-based payments and reimbursement of expenses.

(d) WORKFORCE PREPARATION INITIATIVES.—

(1) IN GENERAL.—The private, nonprofit corporation shall establish initiatives with the District of Columbia public schools, and public charter schools, appropriate governmental agencies, and businesses and other private entities, to facilitate the integration of rigorous academic studies with workforce preparation programs in District of Columbia public schools and public charter schools.

(2) CONDUCT OF INITIATIVES.—In carrying out the initiatives under paragraph (1), the private, nonprofit corporation shall, at a minimum, actively develop, expand, and promote the following programs:

(A) Career academy programs in secondary schools, as such programs are established in certain District of Columbia public schools, which provide a school-within-a-school concept, focusing on career preparation and the integration of the academy programs with vocational and technical curriculum.

(B) Programs carried out in the District of Columbia that are funded under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

**SEC. 2605. MATCHING FUNDS.**

The private, nonprofit corporation, to the extent practicable, shall provide matching funds, or in-kind contributions, or a combination thereof, for the purpose of carrying out the duties of the corporation under section 2604, as follows:

(1) For fiscal year 1997, the nonprofit corporation shall provide matching funds or in-kind contributions of \$1 for every \$1 of Federal funds provided under this subtitle for such year for activities under section 2604.

(2) For fiscal year 1998, the nonprofit corporation shall provide matching funds or in-kind contributions of \$3 for every \$1 of Federal funds provided under this subtitle for such year for activities under section 2604.

(3) For fiscal year 1999, the nonprofit corporation shall provide matching funds or in-kind contributions of \$5 for every \$1 of Federal funds provided under this subtitle for such year for activities under section 2604.

**SEC. 2606. REPORT.**

The private, nonprofit corporation shall prepare and submit to the appropriate congressional committees on a quarterly basis, or, with respect to fiscal year 1997, on a semiannual basis, a report which shall contain—

(1) the activities the corporation has carried out, including the duties of the corporation described in section 2604, for the 3-month period ending on the date of the submission of the report, or, with respect to fiscal year 1997, the 6-month period ending on the date of the submission of the report;

(2) an assessment of the use of funds or other resources donated to the corporation;

(3) the results of the assessment carried out under section 2604(b)(3); and

(4) a description of the goals and priorities of the corporation for the 3-month period beginning on the date of the submission of the report, or, with respect to fiscal year 1997, the 6-month period beginning on the date of the submission of the report.

**SEC. 2607. JOBS FOR D.C. GRADUATES PROGRAM.**

Establishment.

(a) **IN GENERAL.**—The nonprofit corporation shall establish a program, to be known as the “Jobs for D.C. Graduates Program”, to assist District of Columbia public schools and public charter schools in organizing and implementing a school-to-work transition system, which system shall give priority to providing assistance to at-risk youths and disadvantaged youths.

(b) **CONDUCT OF PROGRAM.**—In carrying out the program established under subsection (a), the nonprofit corporation, consistent with the policies of the nationally recognized Jobs for America’s Graduates, Inc., shall—

(1) establish performance standards for such program;

(2) provide ongoing enhancement and improvements in such program;

(3) provide research and reports on the results of such program; and

(4) provide preservice and inservice training.

**SEC. 2608. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION.**—

(1) DELTA COUNCIL; ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY; AND WORKFORCE PREPARATION INITIATIVES.—There are authorized to be appropriated to carry out subsections (a), (b), and (d) of section 2604, \$1,000,000 for each of the fiscal years 1997, 1998, and 1999.

(2) DEAL CENTER.—There are authorized to be appropriated to carry out section 2604(c), \$2,000,000 for each of the fiscal years 1997, 1998, and 1999.

(3) JOBS FOR D.C. GRADUATES PROGRAM.—There are authorized to be appropriated to carry out section 2607—

(A) \$2,000,000 for fiscal year 1997; and

(B) \$3,000,000 for each of the fiscal years 1998 through 2001.

(b) AVAILABILITY.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

**SEC. 2609. TERMINATION OF FEDERAL SUPPORT; SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.**

(a) TERMINATION OF FEDERAL SUPPORT.—The authority under this subtitle to provide assistance to the private, nonprofit corporation or any other entity established pursuant to this subtitle shall terminate on October 1, 1999.

(b) SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.—It is the sense of the Congress that—

(1) the activities of the private, nonprofit corporation under section 2604 should continue to be carried out after October 1, 1999, with resources made available from the private sector; and

(2) the corporation should provide oversight and coordination for such activities after such date.

**Subtitle G—Management and Fiscal Accountability; Preservation of School-Based Resources**

**SEC. 2751. MANAGEMENT SUPPORT SYSTEMS.**

Contracts.

(a) FOOD SERVICES AND SECURITY SERVICES.—Notwithstanding any other law, rule, or regulation, the Board of Education shall enter into a contract for academic year 1995–1996 and each succeeding academic year, for the provision of all food services operations and security services for the District of Columbia public schools, unless the Superintendent determines that it is not feasible and provides the Superintendent's reasons in writing to the Board of Education and the Authority.

(b) DEVELOPMENT OF NEW MANAGEMENT AND DATA SYSTEMS.—Notwithstanding any other law, rule, or regulation, the Board of Education shall, in academic year 1995–1996, consult with the Authority on the development of new management and data systems, as well as training of personnel to use and manage the systems in areas of budget, finance, personnel and human resources, management information services, procurement, supply management, and other systems recommended by the Authority. Such plans shall be consistent with, and contemporaneous to, the District of Columbia Government's development and implementation of a replacement for the financial management system for the District of Columbia Government in use on the date of enactment of this Act.

**SEC. 2752. ACCESS TO FISCAL AND STAFFING DATA.**

(a) **IN GENERAL.**—The budget, financial-accounting, personnel, payroll, procurement, and management information systems of the District of Columbia public schools shall be coordinated and interface with related systems of the District of Columbia Government.

(b) **ACCESS.**—The Board of Education shall provide read-only access to its internal financial management systems and all other data bases to designated staff of the Mayor, the Council, the Authority, and appropriate congressional committees.

**SEC. 2753. DEVELOPMENT OF FISCAL YEAR 1997 BUDGET REQUEST.**

(a) **IN GENERAL.**—The Board of Education shall develop its fiscal year 1997 gross operating budget and its fiscal year 1997 appropriated funds budget request in accordance with this section.

(b) **FISCAL YEAR 1996 BUDGET REVISION.**—Not later than 60 days after enactment of this Act, the Board of Education shall develop, approve, and submit to the Mayor, the District of Columbia Council, the Authority, and appropriate congressional committees, a revised fiscal year 1996 gross operating budget that reflects the amount appropriated in the District of Columbia Appropriations Act, 1996, and which—

(1) is broken out on the basis of appropriated funds and nonappropriated funds, control center, responsibility center, agency reporting code, object class, and object; and

(2) indicates by position title, grade, and agency reporting code, all staff allocated to each District of Columbia public school as of October 15, 1995, and indicates on an object class basis all other-than-personal-services financial resources allocated to each school.

(c) **ZERO-BASE BUDGET.**—For fiscal year 1997, the Board of Education shall build its gross operating budget and appropriated funds request from a zero-base, starting from the local school level through the central office level.

(d) **SCHOOL-BY-SCHOOL BUDGETS.**—The Board of Education's initial fiscal year 1997 gross operating budget and appropriated funds budget request submitted to the Mayor, the District of Columbia Council, and the Authority shall contain school-by-school budgets and shall also—

(1) be broken out on the basis of appropriated funds and nonappropriated funds, control center, responsibility center, agency reporting code, object class, and object;

(2) indicate by position title, grade, and agency reporting code all staff budgeted for each District of Columbia public school, and indicate on an object class basis all other-than-personal-services financial resources allocated to each school; and

(3) indicate the amount and reason for all changes made to the initial fiscal year 1997 gross operating budget and appropriated funds request from the revised fiscal year 1996 gross operating budget required by subsection (b).

**SEC. 2754. TECHNICAL AMENDMENTS.**

Section 1120A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6322) is amended—

(1) in subsection (b)(1), by—

(A) striking “(A) Except as provided in subparagraph

(B), a State” and inserting “A State”; and

(B) striking subparagraph (B); and

(2) by adding at the end thereof the following new subsection:

“(d) **EXCLUSION OF FUNDS.**—For the purpose of complying with subsections (b) and (c), a State or local educational agency may exclude supplemental State or local funds expended in any school attendance area or school for programs that meet the intent and purposes of this part.”.

**SEC. 2755. EVEN START FAMILY LITERACY PROGRAMS.**

Part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.) is amended—

(a) in section 1204(a) (20 U.S.C. 6364(a)), by inserting “intensive” after “cost of providing”; and

(b) in section 1205(4) (20 U.S.C. 6365(4)), by inserting “, intensive” after “high-quality”.

**SEC. 2756. PRESERVATION OF SCHOOL-BASED STAFF POSITIONS.**

(a) **RESTRICTIONS ON REDUCTIONS OF SCHOOL-BASED EMPLOYEES.**—To the extent that a reduction in the number of full-time equivalent positions for the District of Columbia public schools is required to remain within the number of full-time equivalent positions established for the public schools in appropriations Acts, no reductions shall be made from the full-time equivalent positions for school-based teachers, principals, counselors, librarians, or other school-based educational positions that were established as of the end of fiscal year 1995, unless the Authority makes a determination based on student enrollment that—

(1) fewer school-based positions are needed to maintain established pupil-to-staff ratios; or

(2) reductions in positions for other than school-based employees are not practicable.

(b) **DEFINITION.**—The term “school-based educational position” means a position located at a District of Columbia public school or other position providing direct support to students at such a school, including a position for a clerical, stenographic, or secretarial employee, but not including any part-time educational aide position.

**Subtitle H—Establishment and Organization of the Commission on Consensus Reform in the District of Columbia Public Schools**

**SEC. 2851. COMMISSION ON CONSENSUS REFORM IN THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established within the District of Columbia Government a Commission on Consensus Reform in the District of Columbia Public Schools, consisting of 7 members to be appointed in accordance with paragraph (2).

(2) **MEMBERSHIP.**—The Consensus Commission shall consist of the following members:

(A) 1 member to be appointed by the President chosen from a list of 3 proposed members submitted by the Majority Leader of the Senate.

(B) 1 member to be appointed by the President chosen from a list of 3 proposed members submitted by the Speaker of the House of Representatives.

President.

(C) 2 members to be appointed by the President, of which 1 shall represent the local business community and 1 of which shall be a teacher in a District of Columbia public school.

(D) The President of the District of Columbia Congress of Parents and Teachers.

(E) The President of the Board of Education.

(F) The Superintendent.

(G) The Mayor and District of Columbia Council Chairman shall each name 1 nonvoting ex officio member.

(H) The Chief of the National Guard Bureau who shall be an ex officio member.

(3) **TERMS OF SERVICE.**—The members of the Consensus Commission shall serve for a term of 3 years.

(4) **VACANCIES.**—Any vacancy in the membership of the Consensus Commission shall be filled by the appointment of a new member in the same manner as provided for the vacated membership. A member appointed under this paragraph shall serve the remaining term of the vacated membership.

(5) **QUALIFICATIONS.**—Members of the Consensus Commission appointed under subparagraphs (A), (B), and (C) of paragraph (2) shall be residents of the District of Columbia and shall have a knowledge of public education in the District of Columbia.

(6) **CHAIR.**—The Chair of the Consensus Commission shall be chosen by the Consensus Commission from among its members, except that the President of the Board of Education and the Superintendent shall not be eligible to serve as Chair.

(7) **NO COMPENSATION FOR SERVICE.**—Members of the Consensus Commission shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Consensus Commission.

(b) **EXECUTIVE DIRECTOR.**—The Consensus Commission shall have an Executive Director who shall be appointed by the Chair with the consent of the Consensus Commission. The Executive Director shall be paid at a rate determined by the Consensus Commission, except that such rate may not exceed the highest rate of pay payable for level EG-16 of the Educational Service of the District of Columbia.

(c) **STAFF.**—With the approval of the Chair and the Authority, the Executive Director may appoint and fix the pay of additional personnel as the Executive Director considers appropriate, except that no individual appointed by the Executive Director may be paid at a rate greater than the rate of pay for the Executive Director.

(d) **SPECIAL RULE.**—The Board of Education, or the Authority, shall reprogram such funds, as the Chair of the Consensus Commission shall in writing request, subject to the approval of the Authority from amounts available to the Board of Education.

#### **SEC. 2852. PRIMARY PURPOSE AND FINDINGS.**

(a) **PURPOSE.**—The primary purpose of the Consensus Commission is to assist in developing a long-term reform plan that has the support of the District of Columbia community through the participation of representatives of various critical segments of such community in helping to develop and approve the plan.

(b) FINDINGS.—The Congress finds that—

(1) experience has shown that the failure of the District of Columbia educational system has been due more to the failure to implement a plan than the failure to develop a plan;

(2) national studies indicate that 50 percent of secondary school graduates lack basic literacy skills, and over 30 percent of the 7th grade students in the District of Columbia public schools drop out of school before graduating;

(3) standard student assessments indicate only average performance for grade level and fail to identify individual students who lack basic skills, allowing too many students to graduate lacking these basic skills and diminishing the worth of a diploma;

(4) experience has shown that successful schools have good community, parent, and business involvement;

(5) experience has shown that reducing dropout rates in the critical middle and secondary school years requires individual student involvement and attention through such activities as arts or athletics; and

(6) experience has shown that close coordination between educators and business persons is required to provide noncollege-bound students the skills necessary for employment, and that personal attention is vitally important to assist each student in developing an appropriate career path.

**SEC. 2853. DUTIES AND POWERS OF THE CONSENSUS COMMISSION.**

(a) PRIMARY RESPONSIBILITY.—The Board of Education and the Superintendent shall have primary responsibility for developing and implementing the long-term reform plan for education in the District of Columbia.

(b) DUTIES.—The Consensus Commission shall—

(1) identify any obstacles to implementation of the long-term reform plan and suggest ways to remove such obstacles;

(2) assist in developing programs that—

(A) ensure every student in a District of Columbia public school achieves basic literacy skills;

(B) ensure every such student possesses the knowledge and skills necessary to think critically and communicate effectively by the completion of grade 8; and

(C) lower the dropout rate in the District of Columbia public schools;

(3) assist in developing districtwide assessments, including individual assessments, that identify District of Columbia public school students who lack basic literacy skills, with particular attention being given to grade 4 and the middle school years, and establish procedures to ensure that a teacher is made accountable for the performance of every such student in such teacher's class;

(4) make recommendations to improve community, parent, and business involvement in District of Columbia public schools and public charter schools;

(5) assess opportunities in the District of Columbia to increase individual student involvement and attention through such activities as arts or athletics, and make recommendations on how to increase such involvement; and

(6) assist in the establishment of procedures that ensure every District of Columbia public school student is provided the skills necessary for employment, including the development of individual career paths.

(c) **POWERS.**—The Consensus Commission shall have the following powers:

(1) To monitor and comment on the development and implementation of the long-term reform plan.

(2) To exercise its authority, as provided in this subtitle, as necessary to facilitate implementation of the long-term reform plan.

(3) To review and comment on the budgets of the Board of Education, the District of Columbia public schools and public charter schools.

(4) To recommend rules concerning the management and direction of the Board of Education that address obstacles to the development or implementation of the long-term reform plan.

(5) To review and comment on the core curriculum for kindergarten through grade 12 developed under subtitle C.

(6) To review and comment on a core curriculum for pre-kindergarten, vocational and technical training, and adult education.

(7) To review and comment on all other educational programs carried out by the Board of Education and public charter schools.

(8) To review and comment on the districtwide assessments for measuring student achievement in the core curriculum developed under subtitle C.

(9) To review and comment on the model professional development programs for teachers using the core curriculum developed under subtitle C.

(d) **LIMITATIONS.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subtitle, the Consensus Commission shall have no powers to involve itself in the management or operation of the Board of Education with respect to the implementation of the long-term reform plan.

#### **SEC. 2854. IMPROVING ORDER AND DISCIPLINE.**

(a) **COMMUNITY SERVICE REQUIREMENT FOR SUSPENDED STUDENTS.**—

(1) **IN GENERAL.**—Any student suspended from classes at a District of Columbia public school who is required to serve the suspension outside the school shall perform community service for the period of suspension. The community service required by this subsection shall be subject to rules and regulations promulgated by the Mayor.

(2) **EFFECTIVE DATE.**—This subsection shall take effect on the first day of the 1996-1997 academic year.

(b) **EXPIRATION DATE.**—This section, and sections 2101(b)(1)(K) and 2851(a)(2)(H), shall cease to be effective on the last day of the 1997-1998 academic year.

(c) **REPORT.**—The Consensus Commission shall study the effectiveness of the policies implemented pursuant to this section in improving order and discipline in District of Columbia public schools and report its findings to the appropriate congressional

committees not later than 60 days prior to the last day of the 1997-1998 academic year.

**SEC. 2855. EDUCATIONAL PERFORMANCE AUDITS.**

(a) **IN GENERAL.**—The Consensus Commission may examine and request the Inspector General of the District of Columbia or the Authority to audit the records of the Board of Education to ensure, monitor, and evaluate the performance of the Board of Education with respect to compliance with the long-term reform plan and such plan's overall educational achievement. The Consensus Commission shall conduct an annual review of the educational performance of the Board of Education with respect to meeting the goals of such plan for such year. The Board of Education shall cooperate and assist in the review or audit as requested by the Consensus Commission.

(b) **AUDIT.**—The Consensus Commission may examine and request the Inspector General of the District of Columbia or the Authority to audit the records of any public charter school to assure, monitor, and evaluate the performance of the public charter school with respect to the content standards and districtwide assessments described in section 2311(b). The Consensus Commission shall receive a copy of each public charter school's annual report.

**SEC. 2856. INVESTIGATIVE POWERS.**

The Consensus Commission may investigate any action or activity which may hinder the progress of any part of the long-term reform plan. The Board of Education shall cooperate and assist the Consensus Commission in any investigation. Reports of the findings of any such investigation shall be provided to the Board of Education, the Superintendent, the Mayor, the District of Columbia Council, the Authority, and the appropriate congressional committees.

**SEC. 2857. RECOMMENDATIONS OF THE CONSENSUS COMMISSION.**

(a) **IN GENERAL.**—The Consensus Commission may at any time submit recommendations to the Board of Education, the Mayor, the District of Columbia Council, the Authority, the Board of Trustees of any public charter school and the Congress with respect to actions the District of Columbia Government or the Federal Government should take to ensure implementation of the long-term reform plan.

(b) **AUTHORITY ACTIONS.**—Pursuant to the District of Columbia Financial Responsibility and Management Assistance Act of 1995 or upon the recommendation of the Consensus Commission, the Authority may take whatever actions the Authority deems necessary to ensure the implementation of the long-term reform plan.

**SEC. 2858. EXPIRATION DATE.**

Except as otherwise provided in this subtitle, this subtitle shall be effective during the period beginning on the date of enactment of this Act and ending 7 years after such date.

## **Subtitle I—Parent Attendance at Parent-Teacher Conferences**

**SEC. 2901. POLICY.**

Notwithstanding any other provision of law, the Mayor is authorized to develop and implement a policy encouraging all resi-

dents of the District of Columbia with children attending a District of Columbia public school to attend and participate in at least one parent-teacher conference every 90 days during the academic year.

This title may be cited as the "District of Columbia School Reform Act of 1995".

(c) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

#### AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 1996.

### TITLE I—DEPARTMENT OF THE INTERIOR

#### BUREAU OF LAND MANAGEMENT

##### MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$567,453,000, to remain available until expended, of which \$2,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487 (16 U.S.C. 3150), and of which \$4,000,000 shall be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-6a(i)): *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors; and in addition, \$27,650,000 for Mining Law Administration program operations, to remain available until expended, to be reduced by amounts collected by the Bureau of Land Management and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$567,453,000: *Provided further*, That in addition to funds otherwise available, and to remain available until expended, not to exceed \$5,000,000 from annual mining claim fees shall be credited to this account for the costs of administering the mining claim fee program, and \$2,000,000 from communication site rental fees established by the Bureau.

##### WILDLAND FIRE MANAGEMENT

For necessary expenses for fire use and management, fire preparedness, emergency presuppression, suppression operations, emergency rehabilitation, and renovation or construction of fire facilities in the Department of the Interior, \$235,924,000, to remain

available until expended, of which not to exceed \$5,025,000, shall be available for the renovation or construction of fire facilities: *Provided*, That notwithstanding any other provision of law, persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That unobligated balances of amounts previously appropriated to the Fire Protection and Emergency Department of the Interior Firefighting Fund may be transferred or merged with this appropriation.

#### CENTRAL HAZARDOUS MATERIALS FUND

For expenses necessary for use by the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9601 et seq.), \$10,000,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to sections 107 or 113(f) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9607 or 9613(f)), shall be credited to this account and shall be available without further appropriation and shall remain available until expended: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary of the Interior and which shall be credited to this account.

#### CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$3,115,000, to remain available until expended.

#### PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901-07), \$113,500,000, of which not to exceed \$400,000 shall be available for administrative expenses.

#### LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interests therein, \$12,800,000 to be derived from the Land and Water Conservation Fund, to remain available until expended.

#### OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance

nance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; \$97,452,000, to remain available until expended: *Provided*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

#### RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$9,113,000, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses.

#### SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further*, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

43 USC 1735  
note.

## MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

## ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed \$10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

## UNITED STATES FISH AND WILDLIFE SERVICE

## RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408, \$501,010,000, to remain available for obligation until September 30, 1997, of which \$4,000,000 shall be available for activities under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), of which \$11,557,000 shall be available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River: *Provided*, That unobligated and unexpended balances in the Resource Management account at the end of fiscal year 1995, shall be merged with and made a part of the fiscal year 1996 Resource Management appropriation, and shall remain available for obligation until September 30, 1997: *Provided further*, That no monies appropriated under this or any other Act shall be used by the Secretary of

the Interior or by the Secretary of Commerce to implement subsections (a), (b), (c), (e), (g) or (i) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), until such time as legislation reauthorizing the Act is enacted or until the end of fiscal year 1996, whichever is earlier, except that monies may be used to delist or reclassify species pursuant to sections 4(a)(2)(B), 4(c)(2)(B)(i), and 4(c)(2)(B)(ii) of the Endangered Species Act, and to issue emergency listings under section 4(b)(7) of the Endangered Species Act: *Provided further*, That the President is authorized to suspend the provisions of the preceeding proviso if he determines that such suspension is appropriate based upon the public interest in sound environmental management, sustainable resource use, protection of national or locally-affected interests, or protection of any cultural, biological or historic resources. Any suspension by the President shall take effect on such date, and continue in effect for such period (not to extend beyond the period in which the preceeding proviso would otherwise be in effect), as the President may determine, and shall be reported to the Congress.

President.  
Reports.

#### CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; \$37,655,000, to remain available until expended.

#### NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101-380), and the Act of July 27, 1990 (Public Law 101-337); \$4,000,000, to remain available until expended: *Provided*, That sums provided by any party in fiscal year 1996 and thereafter are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated or otherwise disposed of by the Secretary and such sums or properties shall be utilized for the restoration of injured resources, and to conduct new damage assessment activities.

43 USC 1474b-1.

#### LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$36,900,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

#### COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as amended by Public Law 100-478, \$8,085,000 for grants to States, to be

derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$10,779,000.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), \$600,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, \$6,750,000, to remain available until expended.

LAHONTAN VALLEY AND PYRAMID LAKE FISH AND WILDLIFE FUND

For carrying out section 206(f) of Public Law 101-618, such sums as have previously been credited or may be credited hereafter to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund, to be available until expended without further appropriation.

RHINOCEROS AND TIGER CONSERVATION FUND

For deposit to the Rhinoceros and Tiger Conservation Fund, \$200,000, to remain available until expended, to be available to carry out the provisions of the Rhinoceros and Tiger Conservation Act of 1994 (Public Law 103-391).

WILDLIFE CONSERVATION AND APPRECIATION FUND

For deposit to the Wildlife Conservation and Appreciation Fund, \$800,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 113 passenger motor vehicles; not to exceed \$400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and

investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103-551: *Provided further*, That none of the funds made available in this Act may be used by the U.S. Fish and Wildlife Service to impede or delay the issuance of a wetlands permit by the U.S. Army Corps of Engineers to the City of Lake Jackson, Texas, for the development of a public golf course west of Buffalo Camp Bayou between the Brazos River and Highway 332: *Provided further*, That the Director of the Fish and Wildlife Service may charge reasonable fees for expenses to the Federal Government for providing training by the National Education and Training Center: *Provided further*, That all training fees collected shall be available to the Director, until expended, without further appropriation, to be used for the costs of training and education provided by the National Education and Training Center: *Provided further*, That with respect to lands leased for farming pursuant to Public Law 88-567, if for any reason the Secretary disapproves for use in 1996 or does not finally approve for use in 1996 any pesticide or chemical which was approved for use in 1995 or had been requested for use in 1996 by the submission of a pesticide use proposal as of September 19, 1995, none of the funds in this Act may be used to develop, implement, or enforce regulations or policies (including pesticide use proposals) related to the use of chemicals and pest management that are more restrictive than the requirements of applicable State and Federal laws related to the use of chemicals and pest management practices on non-Federal lands.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed \$1,593,000 for the Volunteers-in-Parks program, and not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408, \$1,082,481,000, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed \$72,000,000, to remain available until expended is to be derived

from the special fee account established pursuant to title V, section 5201, of Public Law 100-203.

#### NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$37,649,000: *Provided*, That \$236,000 of the funds provided herein are for the William O. Douglas Outdoor Education Center, subject to authorization.

#### HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), \$36,212,000, to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1997.

#### CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, \$143,225,000, to remain available until expended: *Provided*, That not to exceed \$4,500,000 of the funds provided herein shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989: *Provided further*, That funds provided under this head, derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), may be available until expended to render sites safe for visitors and for building stabilization.

#### LAND AND WATER CONSERVATION FUND

##### (RESCISSION)

16 USC 460l-10a  
note.

The contract authority provided for fiscal year 1996 by 16 U.S.C. 460l-10a is rescinded.

#### LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, \$49,100,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and of which \$1,500,000 is to administer the State assistance program: *Provided*, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress.

#### ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 518 passenger motor vehicles,

of which 323 shall be for replacement only, including not to exceed 411 for police-type use, 12 buses, and 5 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to State, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs.

The National Park Service shall, within existing funds, conduct a Feasibility Study for a northern access route into Denali National Park and Preserve in Alaska, to be completed within one year of the enactment of this Act and submitted to the House and Senate Committees on Appropriations and to the Senate Committee on Energy and Natural Resources and the House Committee on Resources. The Feasibility Study shall ensure that resource impacts from any plan to create such access route are evaluated with accurate information and according to a process that takes into consideration park values, visitor needs, a full range of alternatives, the viewpoints of all interested parties, including the tourism industry and the State of Alaska, and potential needs for compliance with the National Environmental Policy Act. The Study shall also address the time required for development of alternatives and identify all associated costs.

Alaska.  
16 USC 347 note.

This Feasibility Study shall be conducted solely by the National Park Service planning personnel permanently assigned to National Park Service offices located in the State of Alaska in consultation with the State of Alaska Department of Transportation.

16 USC 347 note.

#### UNITED STATES GEOLOGICAL SURVEY

##### SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the

43 USC 50.

Guidelines.

Reports.  
43 USC 31i.Government  
organization.  
43 USC 1782  
note.

foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; \$730,163,000, of which \$62,130,000 shall be available for cooperation with States or municipalities for water resources investigations, and of which \$137,000,000 for resource research and the operations of Cooperative Research Units shall remain available until September 30, 1997, and of which \$16,000,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: *Provided further*, That funds available herein for resource research may be used for the purchase of not to exceed 61 passenger motor vehicles, of which 55 are for replacement only: *Provided further*, That none of the funds available under this head for resource research shall be used to conduct new surveys on private property, including new aerial surveys for the designation of habitat under the Endangered Species Act, except when it is made known to the Federal official having authority to obligate or expend such funds that the survey or research has been requested and authorized in writing by the property owner or the owner's authorized representative: *Provided further*, That none of the funds provided herein for resource research may be used to administer a volunteer program when it is made known to the Federal official having authority to obligate or expend such funds that the volunteers are not properly trained or that information gathered by the volunteers is not carefully verified: *Provided further*, That no later than April 1, 1996, the Director of the United States Geological Survey shall issue agency guidelines for resource research that ensure that scientific and technical peer review is utilized as fully as possible in selection of projects for funding and ensure the validity and reliability of research and data collection on Federal lands: *Provided further*, That no funds available for resource research may be used for any activity that was not authorized prior to the establishment of the National Biological Survey: *Provided further*, That once every five years the National Academy of Sciences shall review and report on the resource research activities of the Survey: *Provided further*, That if specific authorizing legislation is enacted during or before the start of fiscal year 1996, the resource research component of the Survey should comply with the provisions of that legislation: *Provided further*, That unobligated and unexpended balances in the National Biological Survey, Research, inventories and surveys account at the end of fiscal year 1995, shall be merged with and made a part of the United States Geological Survey, Surveys, investigations, and research account and shall remain available for obligation until September 30, 1996: *Provided further*, That the authority granted to the United States Bureau of Mines to conduct mineral surveys and to determine mineral values by section 603 of Public Law 94-579 is hereby transferred to, and vested in, the Director of the United States Geological Survey.

## ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for purchase of not to exceed 22 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the United States Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302, et seq.

## MINERALS MANAGEMENT SERVICE

## ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; \$182,555,000, of which not less than \$70,105,000 shall be available for royalty management activities; and an amount not to exceed \$15,400,000 for the Technical Information Management System and Related Activities of the Outer Continental Shelf (OCS) Lands Activity, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for OCS administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for OCS administrative activities established after September 30, 1993: *Provided*, That beginning in fiscal year 1996 and thereafter, fees for royalty rate relief applications shall be established (and revised as needed) in Notices to Lessees, and shall be credited to this account in the program areas performing the function, and remain available until expended for the costs of administering the royalty rate relief authorized by 43 U.S.C. 1337(a)(3): *Provided further*, That \$1,500,000 for computer acquisitions shall remain available until September 30, 1997: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, \$15,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees

43 USC 1337  
note.

30 USC 191b.

or Tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That beginning in fiscal year 1996 and thereafter, the Secretary shall take appropriate action to collect unpaid and underpaid royalties and late payment interest owed by Federal and Indian mineral lessees and other royalty payors on amounts received in settlement or other resolution of disputes under, and for partial or complete termination of, sales agreements for minerals from Federal and Indian leases.

## OIL SPILL RESEARCH

For necessary expenses to carry out the purposes of title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$6,440,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

## BUREAU OF MINES

## MINES AND MINERALS

Government  
organization.  
30 USC 1 note.

For expenses necessary for, and incidental to, the closure of the United States Bureau of Mines, \$64,000,000, to remain available until expended, of which not to exceed \$5,000,000 may be used for the completion and/or transfer of certain ongoing projects within the United States Bureau of Mines, such projects to be identified by the Secretary of the Interior within 90 days of enactment of this Act: *Provided*, That there hereby are transferred to, and vested in, the Secretary of Energy: (1) the functions pertaining to the promotion of health and safety in mines and the mineral industry through research vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania, and at its Spokane Research Center in Washington; (2) the functions pertaining to the conduct of inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines under the minerals and materials science programs at its Pittsburgh Research Center in Pennsylvania, and at its Albany Research Center in Oregon; and (3) the functions pertaining to mineral reclamation industries and the development of methods for the disposal, control, prevention, and reclamation of mineral waste products vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania: *Provided further*, That, if any of the same functions were performed in fiscal year 1995 at locations other than those listed above, such functions shall not be transferred to the Secretary of Energy from those other locations: *Provided further*, That the Director of the Office of Management and Budget, in consultation with the Secretary of Energy and the Secretary of the Interior, is authorized to make such determinations as may be necessary with regard to the transfer of functions which relate to or are used by the Department of the Interior, or component thereof affected by this transfer of functions, and to make such dispositions of personnel, facilities, assets,

liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with, the functions transferred herein as are deemed necessary to accomplish the purposes of this transfer: *Provided further*, That all reductions in personnel complements resulting from the provisions of this Act shall, as to the functions transferred to the Secretary of Energy, be done by the Secretary of the Interior as though these transfers had not taken place but had been required of the Department of the Interior by all other provisions of this Act before the transfers of function became effective: *Provided further*, That the transfers of function to the Secretary of Energy shall become effective on the date specified by the Director of the Office of Management and Budget, but in no event later than 90 days after enactment into law of this Act: *Provided further*, That the reference to "function" includes, but is not limited to, any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be.

Effective date.

## ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, other contributions, and fees from public and private sources, and to prosecute projects using such contributions and fees in cooperation with other Federal, State or private agencies: *Provided*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral products that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That notwithstanding any other provision of law, the Secretary is authorized to convey, without reimbursement, title and all interest of the United States in property and facilities of the United States Bureau of Mines in Juneau, Alaska, to the City and Borough of Juneau, Alaska; in Tuscaloosa, Alabama, to the University of Alabama; in Rolla, Missouri, to the University of Missouri-Rolla; and in other localities to such university or government entities as the Secretary deems appropriate.

43 USC 1473a note.

## OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

## REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 15 passenger motor vehicles for replacement only; \$95,470,000, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1996: *Provided*, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1996 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That notwithstanding any other provision of law, appropria-

30 USC 1211 note.

tions for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

#### ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 22 passenger motor vehicles for replacement only, \$173,887,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That grants to minimum program States will be \$1,500,000 per State in fiscal year 1996: *Provided further*, That of the funds herein provided up to \$18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95-87, as amended, of which no more than 25 per centum shall be used for emergency reclamation projects in any one State and funds for Federally-administered emergency reclamation projects under this proviso shall not exceed \$11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 per centum limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available to States under title IV of Public Law 95-87 may be used, at their discretion, for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act.

#### BUREAU OF INDIAN AFFAIRS

##### OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices; maintaining of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and

improvement of Indian housing, \$1,384,434,000, of which not to exceed \$100,255,000 shall be for welfare assistance grants and not to exceed \$104,626,000 shall be for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts or grants or compacts entered into with the Bureau of Indian Affairs prior to fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975, as amended, and up to \$5,000,000 shall be for the Indian Self-Determination Fund, which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act; and of which not to exceed \$330,711,000 for school operations costs of Bureau-funded schools and other education programs shall become available for obligation on July 1, 1996, and shall remain available for obligation until September 30, 1997; and of which not to exceed \$68,209,000 for higher education scholarships, adult vocational training, and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1997; and of which not to exceed \$71,854,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, and the Navajo-Hopi Settlement Program: *Provided*, That tribes and tribal contractors may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants or compact agreements: *Provided further*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: *Provided further*, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended: *Provided further*, That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: *Provided further*, That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: *Provided further*, That any net increase in costs to the Federal Government which result solely from tribally increased payment levels for general assistance shall be met exclusively from funds available to the tribe from within its tribal priority allocation: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1996, may be transferred during fiscal year 1997 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 1997: *Provided further*, That notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs,

25 USC 2012  
note.

other than the amounts provided herein for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall be available to support the operation of any elementary or secondary school in the State of Alaska in fiscal year 1996: *Provided further*, That funds made available in this or any other Act for expenditure through September 30, 1997 for schools funded by the Bureau of Indian Affairs shall be available only to the schools which are in the Bureau of Indian Affairs school system as of September 1, 1995: *Provided further*, That no funds available to the Bureau of Indian Affairs shall be used to support expanded grades for any school beyond the grade structure in place at each school in the Bureau of Indian Affairs school system as of October 1, 1995: *Provided further*, That notwithstanding the provisions of 25 U.S.C. 2011(h)(1)(B) and (c), upon the recommendation of a local school board for a Bureau of Indian Affairs operated school, the Secretary shall establish rates of basic compensation or annual salary rates for the positions of teachers and counselors (including dormitory and homeliving counselors) at the school at a level not less than that for comparable positions in public school districts in the same geographic area, to become effective on July 1, 1997: *Provided further*, That of the funds available only through September 30, 1995, not to exceed \$8,000,000 in unobligated and unexpended balances in the Operation of Indian Programs account shall be merged with and made a part of the fiscal year 1996 Operation of Indian Programs appropriation, and shall remain available for obligation for employee severance, relocation, and related expenses, until September 30, 1996.

#### CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; and preparation of lands for farming, \$100,833,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project and for other water resource development activities related to the Southern Arizona Water Rights Settlement Act may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a non-reimbursable basis: *Provided further*, That for the fiscal year ending September 30, 1996, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to tribally controlled grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction

projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

#### INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, \$80,645,000, to remain available until expended; of which \$78,600,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 87-483, 97-293, 101-618, 102-374, 102-441, 102-575, and 103-116, and for implementation of other enacted water rights settlements, including not to exceed \$8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103-116; and of which \$1,045,000 shall be available pursuant to Public Laws 98-500, 99-264, and 100-580; and of which \$1,000,000 shall be available (1) to liquidate obligations owed tribal and individual Indian payees of any checks canceled pursuant to section 1003 of the Competitive Equality Banking Act of 1987 (Public Law 100-86 (101 Stat. 659)), 31 U.S.C. 3334(b), (2) to restore to Individual Indian Monies trust funds, Indian Irrigation Systems, and Indian Power Systems accounts amounts invested in credit unions or defaulted savings and loan associations and which were not Federally insured, and (3) to reimburse Indian trust fund account holders for losses to their respective accounts where the claim for said loss(es) has been reduced to a judgment or settlement agreement approved by the Department of Justice.

#### TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

For payment of management and technical assistance requests associated with loans and grants approved under the Indian Financing Act of 1974, as amended, \$500,000.

#### INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans \$4,500,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$35,914,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, \$500,000.

#### ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs shall be available for expenses of exhibits, and purchase of not to exceed 275

passenger carrying motor vehicles, of which not to exceed 215 shall be for replacement only.

#### TERRITORIAL AND INTERNATIONAL AFFAIRS

##### ASSISTANCE TO TERRITORIES

48 USC 1469b.

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$65,188,000, of which (1) \$61,661,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$3,527,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99-396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands Covenant grant funding: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations and maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): *Provided further*, That any appropriation for disaster assistance under this head in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

##### COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands

as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, \$24,938,000, to remain available until expended, as authorized by Public Law 99-239 and Public Law 99-658: *Provided*, That notwithstanding section 112 of Public Law 101-219 (103 Stat. 1873), the Secretary of the Interior may agree to technical changes in the specifications for the project described in the subsidiary agreement negotiated under section 212(a) of the Compact of Free Association, Public Law 99-658, or its annex, if the changes do not result in increased costs to the United States.

#### DEPARTMENTAL OFFICES

##### DEPARTMENTAL MANAGEMENT

###### SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, \$56,912,000, of which not to exceed \$7,500 may be for official reception and representation expenses.

##### OFFICE OF THE SOLICITOR

###### SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$34,427,000.

##### OFFICE OF INSPECTOR GENERAL

###### SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$23,939,000.

##### CONSTRUCTION MANAGEMENT

###### SALARIES AND EXPENSES

For necessary expenses of the Office of Construction Management, \$500,000.

#### NATIONAL INDIAN GAMING COMMISSION

###### SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100-497, \$1,000,000: *Provided*, That on March 1, 1996, the Chairman shall submit to the Secretary a report detailing those Indian tribes or tribal organizations with gaming operations that are in full compliance, partial compliance, or non-compliance with the provisions of the Indian Gaming Regulatory Act (25 U.S.C. 2701, et seq.): *Provided further*, That the information contained in the report shall be updated on a continuing basis. Reports.

## OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

## FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$16,338,000, of which \$15,891,000 shall remain available until expended for trust funds management: *Provided*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That obligated and unobligated balances provided for trust funds management within "Operation of Indian programs", Bureau of Indian Affairs are hereby transferred to and merged with this appropriation.

## ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

## GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of

the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to the "Emergency Department of the Interior Firefighting Fund" shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms

or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. Appropriations made in this title from the Land and Water Conservation Fund for acquisition of lands and waters, or interests therein, shall be available for transfer, with the approval of the Secretary, between the following accounts: Bureau of Land Management, Land acquisition, United States Fish and Wildlife Service, Land acquisition, and National Park Service, Land acquisition and State assistance. Use of such funds are subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

SEC. 108. Prior to the transfer of Presidio properties to the Presidio Trust, when authorized, the Secretary may not obligate in any calendar month more than  $\frac{1}{12}$  of the fiscal year 1996 appropriation for operation of the Presidio: *Provided*, That this section shall expire on December 31, 1995.

SEC. 109. Section 6003 of Public Law 101-380 is hereby repealed.

SEC. 110. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of the Interior for developing, promulgating, and thereafter implementing a rule concerning rights-of-way under section 2477 of the Revised Statutes.

SEC. 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 112. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 113. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 151 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992-1997.

SEC. 114. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992-1997.

SEC. 115. (a) Of the funds appropriated by this Act or any subsequent Act providing for appropriations in fiscal years 1996 and 1997, not more than 50 percent of any self-governance funds that would otherwise be allocated to each Indian tribe in the State of Washington shall actually be paid to or on account of such Indian tribe from and after the time at which such tribe shall—

(1) take unilateral action that adversely impacts the existing rights to and/or customary uses of, nontribal member own-

Termination  
date.

33 USC 2753.

Native  
Americans.  
Washington.

ers of fee simple land within the exterior boundary of the tribe's reservation to water, electricity, or any other similar utility or necessity for the nontribal members' residential use of such land; or

(2) restrict or threaten to restrict said owners use of or access to publicly maintained rights-of-way necessary or desirable in carrying the utilities or necessities described above.

(b) Such penalty shall not attach to the initiation of any legal actions with respect to such rights or the enforcement of any final judgments, appeals from which have been exhausted, with respect thereto.

SEC. 116. Within 30 days after the enactment of this Act, the Department of the Interior shall issue a specific schedule for the completion of the Lake Cushman Land Exchange Act (Public Law 102-436) and shall complete the exchange not later than September 30, 1996.

16 USC 251 note.

SEC. 117. Notwithstanding Public Law 90-544, as amended, the National Park Service is authorized to expend appropriated funds for maintenance and repair of the Company Creek Road in the Lake Chelan National Recreation Area: *Provided*, That appropriated funds shall not be expended for the purpose of improving the property of private individuals unless specifically authorized by law.

SEC. 118. Section 4(b) of Public Law 94-241 (90 Stat. 263) as added by section 10 of Public Law 99-396 is amended by deleting "until Congress otherwise provides by law." and inserting in lieu thereof: "except that, for fiscal years 1996 through 2002, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be \$11,000,000 annually, subject to an equal local match and all other requirements set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments in this subsection to be provided as set forth in subsection (c) until Congress otherwise provides by law.

Northern  
Mariana Islands.  
48 USC 1804.

"(c) The additional amounts referred to in subsection (b) shall be made available to the Secretary for obligation as follows:

"(1) for fiscal years 1996 through 2001, \$4,580,000 annually for capital infrastructure projects as Impact Aid for Guam under section 104(c)(6) of Public Law 99-239;

"(2) for fiscal year 1996, \$7,700,000 shall be provided for capital infrastructure projects in American Samoa; \$4,420,000 for resettlement of Rongelap Atoll; and

"(3) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided*, That, in fiscal year 1997, \$3,000,000 of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed \$3,000,000 may be allo-

cated, as provided in appropriations Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands. The specific projects to be funded in American Samoa shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with the American Samoa Government and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing budget recommendations for capital infrastructure funding, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed \$2,000,000 per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: *Provided further*, That the cumulative amount set aside for such emergency fund may not exceed \$10,000,000 at any time.

“(d) Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c), additional contributions may be made, as set forth in appropriations Acts, to assist in the resettlement of Rongelap Atoll: *Provided*, That the total of all contributions from any Federal source after enactment of this Act may not exceed \$32,000,000 and shall be contingent upon an agreement, satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap Atoll and that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available through the Secretary of the Interior, to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of *ex gratia* assistance pursuant to section 105(c)(2) of the Compact of Free Association Act of 1985 (Public Law 99-239, 99 Stat. 1770, 1792) including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the Secretary notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided.”

SEC. 119. (a) Until the National Park Service has prepared a final conceptual management plan for the Mojave National Preserve that incorporates traditional multiple uses of the region, the Secretary of the Interior shall not take any action to change the management of the area which differs from the historical management practices of the Bureau of Land Management. Prior to using any funds in excess of \$1,100,000 for operation of the

Preserve in fiscal year 1996, the Secretary must obtain the approval of the House and Senate Committees on Appropriations. This provision expires on September 30, 1996.

(b) The President is authorized to suspend the provisions of subsection (a) of this section if he determines that such suspension is appropriate based upon the public interest in sound environmental management, sustainable resource use, protection of national or locally-affected interests, or protection of any cultural, biological or historic resources. Any suspension by the President shall take effect on such date, and continue in effect for such period (not to extend beyond the period in which subsection (a) would otherwise be in effect), as the President may determine, and shall be reported to the Congress.

Termination  
date.  
President.  
Reports.

## TITLE II—RELATED AGENCIES

### DEPARTMENT OF AGRICULTURE

#### FOREST SERVICE

##### FOREST RESEARCH

For necessary expenses of forest research as authorized by law, \$178,000,000, to remain available until September 30, 1997.

##### STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others and for forest pest management activities, cooperative forestry and education and land conservation activities, \$136,884,000, to remain available until expended, as authorized by law: *Provided*, That of funds available under this heading for Pacific Northwest Assistance in this or prior appropriations Acts, \$200,000 shall be provided to the World Forestry Center for purposes of continuing scientific research and other authorized efforts regarding the land exchange efforts in the Umpqua River Basin Region.

##### NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, for ecosystem planning, inventory, and monitoring, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", "Fire Protection and Emergency Suppression", and "Land Acquisition", \$1,257,057,000, to remain available for obligation until September 30, 1997, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a(i)): *Provided*, That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1995, shall be merged with and made a part of the fiscal year 1996 National Forest System appropriation, and shall remain available for obligation until September 30, 1997: *Provided further*, That

up to \$5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed.

#### WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to National Forest System lands or other lands under fire protection agreement, and for emergency rehabilitation of burned over National Forest System lands, \$385,485,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously appropriated under any other headings for Forest Service fire activities may be transferred to and merged with this appropriation: *Provided further*, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes.

#### CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, \$163,600,000, to remain available until expended, for construction and acquisition of buildings and other facilities, and for construction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 1996 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury of the United States: *Provided further*, That not to exceed \$50,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers: *Provided further*, That \$2,500,000 of the funds appropriated herein shall be available for a grant to the "Non-Profit Citizens for the Columbia Gorge Discovery Center" for the construction of the Columbia Gorge Discovery Center: *Provided further*, That the Forest Service is authorized to grant the unobligated balance of funds appropriated in fiscal year 1995 for the construction of the Columbia Gorge Discovery Center and related trail construction funds to the "Non-Profit Citizens for the Columbia Gorge Discovery Center" to be used for the same purpose: *Provided further*, That the Forest Service is authorized to convey the land needed for the construction of the Columbia Gorge Discovery Center without cost to the "Non-Profit Citizens for the Columbia Gorge Discovery Center": *Provided further*, That notwithstanding any other provision of law, funds originally appropriated under this head in Public Law 101-512 for the Forest Service share of a new research facility at the University of Missouri, Columbia, shall be available for a grant to the University of Missouri, as the Federal share in the construction of the new facility: *Provided further*, That agreed upon lease of space in the new facility shall be provided to the Forest Service without charge for the life of the building.

#### LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory

authority applicable to the Forest Service, \$39,400,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: *Provided*, That funding for specific land acquisitions are subject to the approval of the House and Senate Committees on Appropriations.

#### ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,069,000, to be derived from forest receipts.

#### ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

#### RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

#### GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

#### SOUTHEAST ALASKA ECONOMIC DISASTER FUND

(a) There is hereby established in the Treasury a Southeast Alaska Economic Disaster Fund. There are hereby appropriated \$110,000,000, which shall be deposited into this account, which shall be available without further appropriation or fiscal year limitation. All monies from the Fund shall be distributed by the Secretary of Agriculture in accordance with the provisions set forth herein.

(b) None of the funds provided under this heading shall be available unless the President exercises the authority provided in section 325(c) of this Act.

(c)(1) The Secretary shall provide \$40,000,000 in direct grants from the Fund for fiscal year 1996 and \$10,000,000 in each of fiscal years 1997, 1998, and 1999 to communities in Alaska as follows: Grants.

(A) to the City and Borough of Sitka, \$8,000,000 in fiscal year 1996 and \$2,000,000 in each of fiscal years 1997, 1998, and 1999;

(B) to the City of Wrangell, \$18,700,000 in fiscal year 1996 and \$4,700,000 in each of fiscal years 1997, 1998, and 1999; and

(C) to the City and Borough of Ketchikan, \$13,300,000 in fiscal year 1996 and \$3,300,000 in each of fiscal years 1997, 1998, and 1999.

(2) The funds provided under paragraph (1) shall be used to employ former timber workers in Wrangell and Sitka, and for related community development projects in Sitka, Wrangell, and Ketchikan.

(3) The Secretary shall allocate an additional \$10,000,000 from the Fund for each of fiscal years 1996, 1997, 1998, and 1999 to communities in Alaska according to the following percentages:

(A) the Borough of Haines, 5.5 percent;

(B) the City and Borough of Juneau, 10.3 percent;

(C) the Ketchikan Gateway Borough, 4.5 percent;

(D) the City and Borough of Sitka, 10.8 percent;

(E) the City and Borough of Yakutat, 7.4 percent; and

(F) the unorganized Boroughs within the Tongass National Forest, 61.5 percent.

(4) Funds provided pursuant to paragraph (3)(F) shall be allocated by the Secretary of Agriculture to the unorganized Boroughs in the Tongass National Forest in the same proportion as timber receipts were made available to such Boroughs in fiscal year 1995, and shall be in addition to any other monies provided to such Boroughs under this Act or any other law.

#### ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 183 passenger motor vehicles of which 32 will be used primarily for law enforcement purposes and of which 151 shall be for replacement; acquisition of 22 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 20 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, or to implement any reorganization, "reinvention" or other type of organizational restructuring of the Forest Service, other than the relocation of the Regional Office for Region 5 of the Forest Service from San Francisco to excess military property at Mare

Island, Vallejo, California, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources in the United States Senate and the Committee on Agriculture and the Committee on Resources in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the Fire and Emergency Suppression appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction: *Provided*, That no funds shall be made available under this authority until funds appropriated to the "Emergency Forest Service Firefighting Fund" shall have been exhausted.

Any funds available to the Forest Service may be used for retrofitting Mare Island facilities to accommodate the relocation: *Provided*, That funds for the move must come from funds otherwise available to Region 5: *Provided further*, That any funds to be provided for such purposes shall only be available upon approval of the House and Senate Committees on Appropriations.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103-551.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93-153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than \$1,000,000 for high priority

projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided*, That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further*, That landscape architects shall be used to maintain a visually pleasing forest.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101-2110, 1606, and 2111.

Of the funds available to the Forest Service, \$1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, eighty percent of the funds appropriated to the Forest Service in the National Forest System and Construction accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

For one year after enactment of this Act, the Secretary shall continue the current Tongass Land Management Plan (TLMP) and may accommodate commercial tourism (if an agreement is signed between the Forest Service and the Alaska Visitors' Association) except that during this period, the Secretary shall maintain at least the number of acres of suitable available and suitable scheduled timber lands, and Allowable Sale Quantity as identified in the Preferred Alternative (Alternative P) in the Tongass Land and Resources Management Plan and Final Environmental Impact Statement (dated October 1992) as selected in the Record of Decision Review Draft #3-2/93. Nothing in this paragraph shall be interpreted to mandate clear-cutting or require the sale of timber and nothing in this paragraph, including the ASQ identified in Alter-

native P, shall be construed to limit the Secretary's consideration of new information or to prejudice future revision, amendment or modification of TLMP based upon sound, verifiable scientific data.

If the Forest Service determines in a Supplemental Evaluation to an Environmental Impact Statement that no additional analysis under the National Environmental Policy Act or section 810 of the Alaska National Interest Lands Conservation Act is necessary for any timber sale or offering which has been prepared for acceptance by, or award to, a purchaser after December 31, 1988, that has been subsequently determined by the Forest Service to be available for sale or offering to one or more other purchaser, the change of purchasers for whatever reason shall not be considered a significant new circumstance, and the Forest Service may offer or award such timber sale or offering to a different purchaser or offeree, notwithstanding any other provision of law. A determination by the Forest Service pursuant to this paragraph shall not be subject to judicial review.

None of the funds appropriated under this Act for the Forest Service shall be made available for the purpose of applying paint to rocks, or rock colorization: *Provided*, That notwithstanding any other provision of law, the Forest Service shall not require of any individual or entity, as part of any permitting process under its authority, or as a requirement of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), the painting or colorization of rocks.

## DEPARTMENT OF ENERGY

### FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for promoting health and safety in mines and the mineral industry through research (30 U.S.C. 3, 861(b), and 951(a)), for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), and for the development of methods for the disposal, control, prevention, and reclamation of waste products in the mining, minerals, metal, and mineral reclamation industries (30 U.S.C. 3 and 21a), \$417,018,000, to remain available until expended: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

### ALTERNATIVE FUELS PRODUCTION

#### (INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1995, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing

from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury.

#### NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, \$148,786,000, to remain available until expended: *Provided*, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 1996: *Provided further*, That section 501 of Public Law 101-45 is hereby repealed.

10 USC 7430  
note.

10 USC 7431  
note.

#### ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, \$553,189,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1996 determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502), and of which \$16,000,000 shall be derived from available unobligated balances in the Biomass Energy Development account: *Provided*, That \$140,696,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509 such sums shall be allocated to the eligible programs as follows: \$114,196,000 for the weatherization assistance program and \$26,500,000 for the State energy conservation program.

#### ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, \$6,297,000, to remain available until expended.

#### STRATEGIC PETROLEUM RESERVE

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$287,000,000, to remain available until expended, of which \$187,000,000 shall be derived by transfer of unobligated balances from the "SPR petroleum account" and \$100,000,000 shall be derived by transfer from the "SPR Decommissioning Fund": *Provided*, That notwithstanding section 161 of the Energy Policy and Conservation Act, the Secretary shall draw down and sell up to seven million barrels of oil from the Strategic Petroleum Reserve: *Provided further*, That the proceeds from the sale shall be deposited into a special account in the Treasury, to be established and known as the "SPR Decommissioning Fund", and shall be available for the purpose of removal of oil from and decommissioning of the Weeks Island site and for other purposes related to the operations of the Strategic Petroleum Reserve.

## SPR PETROLEUM ACCOUNT

Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *Provided*, That outlays in fiscal year 1996 resulting from the use of funds in this account shall not exceed \$5,000,000.

## ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$72,266,000, to remain available until expended: *Provided*, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)) or any other provision of law, funds appropriated under this heading hereafter may be used to enter into a contract for end use consumption surveys for a term not to exceed eight years: *Provided further*, That notwithstanding any other provision of law, hereafter the Manufacturing Energy Consumption Survey shall be conducted on a triennial basis.

42 USC 7135  
note.

## ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

Reports.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### INDIAN HEALTH SERVICE

#### INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$1,747,842,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 300aaa-2 for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That \$12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That \$350,564,000 for contract medical care shall remain available for obligation until September 30, 1997: *Provided further*, That of the funds provided, not less than \$11,306,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act, as amended: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That of the funds provided, \$7,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 1997: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act, as amended, shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

## INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, and for expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$238,958,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

## ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902); and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act) and Public Law 93-638, as amended: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That the Indian Health Service shall neither bill nor charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further*, That, notwithstanding any other provision of law, funds previously or herein

made available to a tribe or tribal organization through a contract, grant or agreement authorized by title I of the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), may be deobligated and reobligated to a self-governance funding agreement under title III of the Indian Self-Determination and Education Assistance Act of 1975 and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

## DEPARTMENT OF EDUCATION

### OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

#### INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, title IX, part A, subpart 1 of the Elementary and Secondary Education Act of 1965, as amended, and section 215 of the Department of Education Organization Act, \$52,500,000.

### OTHER RELATED AGENCIES

#### OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$20,345,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected

a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND  
ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99-498 (20 U.S.C. 4401 et seq.), \$5,500,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; \$311,188,000, of which not to exceed \$3,000,000 for voluntary incentive payments and other costs associated with employee separations pursuant to section 339 of this Act shall remain available until expended, and of which not to exceed \$30,472,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of \$125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, \$3,250,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed \$10,000 for services as authorized by 5 U.S.C. 3109, \$33,954,000, to remain available

until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

#### CONSTRUCTION

For necessary expenses for construction, \$27,700,000, to remain available until expended.

#### NATIONAL GALLERY OF ART

##### SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$51,844,000, of which not to exceed \$3,026,000 for the special exhibition program shall remain available until expended.

##### REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$6,442,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

#### JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

##### OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$10,323,000: *Provided*, That 40 U.S.C. 193n is hereby amended by striking the word "and" after the word "Institution" and inserting in lieu thereof a comma, and by inserting "and the Trustees of

the John F. Kennedy Center for the Performing Arts," after the word "Art,".

#### CONSTRUCTION

For necessary expenses of capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$8,983,000, to remain available until expended.

#### WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

##### SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$5,840,000.

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

##### NATIONAL ENDOWMENT FOR THE ARTS

##### GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$82,259,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act, to remain available until September 30, 1997.

##### MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$17,235,000, to remain available until September 30, 1997, to the National Endowment for the Arts, of which \$7,500,000 shall be available for purposes of section 5(p)(1): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

#### NATIONAL ENDOWMENT FOR THE HUMANITIES

##### GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$94,000,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until September 30, 1997.

## MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$16,000,000, to remain available until September 30, 1997, of which \$10,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

## INSTITUTE OF MUSEUM SERVICES

## GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, \$21,000,000, to remain available until September 30, 1997.

## ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

## COMMISSION OF FINE ARTS

## SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$834,000.

## NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956(a)), as amended, \$6,000,000.

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

## SALARIES AND EXPENSES

For expenses necessary for the Advisory Council on Historic Preservation, \$2,500,000.

## NATIONAL CAPITAL PLANNING COMMISSION

## SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$5,090,000: *Provided*, That all appointed members will be compensated at a rate not to exceed the rate for Executive Schedule Level IV.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), \$147,000, to remain available until September 30, 1997.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PUBLIC DEVELOPMENT

Funds made available under this heading in prior years shall be available for operating and administrative expenses and for the orderly closure of the Corporation, as well as operating and administrative expenses for the functions transferred to the General Services Administration.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388, as amended, \$28,707,000; of which \$1,575,000 for the Museum's repair and rehabilitation program and \$1,264,000 for the Museum's exhibition program shall remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law. Contracts.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1995.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. Where the actual costs of construction projects under self-determination contracts, compacts, or grants, pursuant to Public Laws 93-638, 103-413, or 100-297, are less than the estimated costs thereof, use of the resulting excess funds shall be determined by the appropriate Secretary after consultation with the tribes.

SEC. 311. Notwithstanding Public Law 103-413, quarterly payments of funds to tribes and tribal organizations under annual funding agreements pursuant to section 108 of Public Law 93-638, as amended, may be made on the first business day following the first day of a fiscal quarter.

SEC. 312. None of funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or

Agriculture follow appropriate reprogramming guidelines: *Provided*, That if no funds are provided for the AmeriCorps program by the VA-HUD and Independent Agencies fiscal year 1996 appropriations bill, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 313. (a) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall—

Pennsylvania  
Avenue  
Development  
Corporation.  
Effective date.  
40 USC 872 note.

(1) transfer and assign in accordance with this section all of its rights, title, and interest in and to all of the leases, covenants, agreements, and easements it has executed or will execute by March 31, 1996, in carrying out its powers and duties under the Pennsylvania Avenue Development Corporation Act (40 U.S.C. 871-885) and the Federal Triangle Development Act (40 U.S.C. 1101-1109) to the General Services Administration, National Capital Planning Commission, or the National Park Service; and

(2) except as provided by subsection (d), transfer all rights, title, and interest in and to all property, both real and personal, held in the name of the Pennsylvania Avenue Development Corporation to the General Services Administration.

(b) The responsibilities of the Pennsylvania Avenue Development Corporation transferred to the General Services Administration under subsection (a) include, but are not limited to, the following:

40 USC 872 note.

(1) Collection of revenue owed the Federal Government as a result of real estate sales or lease agreements entered into by the Pennsylvania Avenue Development Corporation and private parties, including, at a minimum, with respect to the following projects:

(A) The Willard Hotel property on Square 225.

(B) The Gallery Row project on Square 457.

(C) The Lansburgh's project on Square 431.

(D) The Market Square North project on Square 407.

(2) Collection of sale or lease revenue owed the Federal Government (if any) in the event two undeveloped sites owned by the Pennsylvania Avenue Development Corporation on Squares 457 and 406 are sold or leased prior to April 1, 1996.

(3) Application of collected revenue to repay United States Treasury debt incurred by the Pennsylvania Avenue Development Corporation in the course of acquiring real estate.

(4) Performing financial audits for projects in which the Pennsylvania Avenue Development Corporation has actual or potential revenue expectation, as identified in paragraphs (1) and (2), in accordance with procedures described in applicable sale or lease agreements.

(5) Disposition of real estate properties which are or become available for sale and lease or other uses.

(6) Payment of benefits in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 to which persons in the project area squares are entitled as a result of the Pennsylvania Avenue Development Corporation's acquisition of real estate.

(7) Carrying out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101-1109), including responsibilities for managing assets and liabilities of the Corporation under such Act.

40 USC 872 note.

(c) In carrying out the responsibilities of the Pennsylvania Avenue Development Corporation transferred under this section the Administrator of the General Services Administration shall have the following powers:

(1) To acquire lands, improvements, and properties by purchase, lease or exchange, and to sell, lease, or otherwise dispose of real or personal property as necessary to complete the development plan developed under section 5 of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 874) if a notice of intention to carry out such acquisition or disposal is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

(2) To modify from time to time the plan referred to in paragraph (1) if such modification is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

(3) To maintain any existing Pennsylvania Avenue Development Corporation insurance programs.

(4) To enter into and perform such leases, contracts, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be necessary to carry out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101-1109).

(5) To request the Council of the District of Columbia to close any alleys necessary for the completion of development in Square 457.

(6) To use all of the funds transferred from the Pennsylvania Avenue Development Corporation or income earned on Pennsylvania Avenue Development Corporation property to complete any pending development projects.

Effective date.  
40 USC 872 note.

(d)(1)(A) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall transfer all its right, title, and interest in and to the property described in subparagraph (B) to the National Park Service, Department of the Interior.

(B) The property referred to in subparagraph (A) is the property located within the Pennsylvania Avenue National Historic Site depicted on a map entitled "Pennsylvania Avenue National Historic Park", dated June 1, 1995, and numbered 840-82441, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Pennsylvania Avenue National Historic Site includes the parks, plazas, sidewalks, special lighting, trees, sculpture, and memorials.

(2) Jurisdiction of Pennsylvania Avenue and all other roadway from curb to curb shall remain with the District of Columbia but vendors shall not be permitted to occupy street space except during temporary special events.

(3) The National Park Service shall be responsible for management, administration, maintenance, law enforcement, visitor service,

resource protection, interpretation, and historic preservation at the Pennsylvania Avenue National Historic Site.

(4) The National Park Service may enter into contracts, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be deemed necessary or appropriate for the conduct of special events, festivals, concerts, or other art and cultural programs at the Pennsylvania Avenue National Historic Site or may establish a nonprofit foundation to solicit funds for such activities.

(e) Notwithstanding any other provision of law, the responsibility for ensuring that development or redevelopment in the Pennsylvania Avenue area is carried out in accordance with the Pennsylvania Avenue Development Corporation Plan—1974, as amended, is transferred to the National Capital Planning Commission or its successor commencing April 1, 1996.

40 USC 872 note.

(f) SAVINGS PROVISIONS.—

40 USC 872 note.

(1) REGULATIONS.—Any regulations prescribed by the Corporation in connection with the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871-885) and the Federal Triangle Development Act (40 U.S.C. 1101-1109) shall continue in effect until suspended by regulations prescribed by the Administrator of the General Services Administration.

(2) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not be construed as affecting the validity of any right, duty, or obligation of the United States or any other person arising under or pursuant to any contract, loan, or other instrument or agreement which was in effect on the day before the date of the transfers under subsection (a).

(3) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Corporation in connection with administration of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871-885) and the Federal Triangle Development Act (40 U.S.C. 1101-1109) shall abate by reason of enactment and implementation of this Act, except that the General Services Administration shall be substituted for the Corporation as a party to any such action or proceeding.

(g) Section 3(b) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 872(b)) is amended as follows:

“(b) The Corporation shall be dissolved on or before April 1, 1996. Upon dissolution, assets, obligations, indebtedness, and all unobligated and unexpended balances of the Corporation shall be transferred in accordance with the Department of the Interior and Related Agencies Appropriations Act, 1996.”

Termination.  
Effective date.

SEC. 314. No part of any appropriation contained in this Act shall be obligated or expended to implement regulations or requirements that regulate the use of, or actions occurring on, non-federal lands as a result of the draft or final environmental impact statements or records of decision for the Interior Columbia Basin Ecosystem Management Project. Columbia Basin Ecosystem Management Project records of decision will not provide the legal authority for any new formal rulemaking by any Federal regulatory agency on the use of private property.

SEC. 315. RECREATIONAL FEE DEMONSTRATION PROGRAM.—(a) The Secretary of the Interior (acting through the Bureau of Land Management, the National Park Service and the United States

16 USC 4601-6a  
note.

Fish and Wildlife Service) and the Secretary of Agriculture (acting through the Forest Service) shall each implement a fee program to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas or sites and habitat enhancement projects on Federal lands.

(b) In carrying out the pilot program established pursuant to this section, the appropriate Secretary shall select from areas under the jurisdiction of each of the four agencies referred to in subsection (a) no fewer than 10, but as many as 50, areas, sites or projects for fee demonstration. For each such demonstration, the Secretary, notwithstanding any other provision of law—

(1) shall charge and collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services by individuals and groups, or any combination thereof;

(2) shall establish fees under this section based upon a variety of cost recovery and fair market valuation methods to provide a broad basis for feasibility testing;

(3) may contract, including provisions for reasonable commissions, with any public or private entity to provide visitor services, including reservations and information, and may accept services of volunteers to collect fees charged pursuant to paragraph (1);

(4) may encourage private investment and partnerships to enhance the delivery of quality customer services and resource enhancement, and provide appropriate recognition to such partners or investors; and

(5) may assess a fine of not more than \$100 for any violation of the authority to collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services.

(c)(1) Amounts collected at each fee demonstration area, site or project shall be distributed as follows:

(A) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditures in accordance with paragraph (2)(A).

(B) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, 20 percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B).

(C) For agencies other than the Fish and Wildlife Service, up to 15% of current year collections of each agency, but not greater than fee collection costs for that fiscal year, to remain available for expenditure without further appropriation in accordance with paragraph (2)(C).

(D) For agencies other than the Fish and Wildlife Service, the balance to the special account established pursuant to subparagraph (A) of section 4(i)(1) of the Land and Water Conservation Fund Act, as amended.

(E) For the Fish and Wildlife Service, the balance shall be distributed in accordance with section 201(c) of the Emergency Wetlands Resources Act.

(2)(A) Expenditures from site specific special funds shall be for further activities of the area, site or project from which funds are collected, and shall be accounted for separately.

(B) Expenditures from agency specific special funds shall be for use on an agency-wide basis and shall be accounted for separately.

(C) Expenditures from the fee collection support fund shall be used to cover fee collection costs in accordance with section 4(i)(1)(B) of the Land and Water Conservation Fund Act, as amended: *Provided*, That funds unexpended and unobligated at the end of the fiscal year shall not be deposited into the special account established pursuant to section 4(i)(1)(A) of said Act and shall remain available for expenditure without further appropriation.

(3) In order to increase the quality of the visitor experience at public recreational areas and enhance the protection of resources, amounts available for expenditure under this section may only be used for the area, site or project concerned, for backlogged repair and maintenance projects (including projects relating to health and safety) and for interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement relating to public use. The agencywide accounts may be used for the same purposes set forth in the preceding sentence, but for areas, sites or projects selected at the discretion of the respective agency head.

(d)(1) Amounts collected under this section shall not be taken into account for the purposes of the Act of May 23, 1908 and the Act of March 1, 1911 (16 U.S.C. 500), the Act of March 4, 1913 (16 U.S.C. 501), the Act of July 22, 1937 (7 U.S.C. 1012), the Act of August 8, 1937 and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.), the Act of June 14, 1926 (43 U.S.C. 869-4), chapter 69 of title 31, United States Code, section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601), and any other provision of law relating to revenue allocation.

(2) Fees charged pursuant to this section shall be in lieu of fees charged under any other provision of law.

(e) The Secretary of the Interior and the Secretary of Agriculture shall carry out this section without promulgating regulations.

(f) The authority to collect fees under this section shall commence on October 1, 1995, and end on September 30, 1998. Funds in accounts established shall remain available through September 30, 2001.

SEC. 316. Section 2001(a)(2) of Public Law 104-19 is amended as follows: Strike "September 30, 1997" and insert in lieu thereof "December 31, 1996".

SEC. 317. None of the funds made available in this Act may be used for any program, project, or activity when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any applicable Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 318. None of the funds provided in this Act may be made available for the Mississippi River Corridor Heritage Commission.

Effective date.  
Termination  
date.

16 USC 1611  
note.

SEC. 319. GREAT BASIN NATIONAL PARK.—Section 3 of the Great Basin National Park Act of 1986 (16 U.S.C. 410mm-1) is amended—

(1) in the first sentence of subsection (e) by striking “shall” and inserting “may”; and

(2) in subsection (f)—

(A) by striking “At the request” and inserting the following:

“(1) EXCHANGES.—At the request”;

(B) by striking “grazing permits” and inserting “grazing permits and grazing leases”; and

(C) by adding after “Federal lands.” the following:

“(2) ACQUISITION BY DONATION.—

(A) IN GENERAL.—The Secretary may acquire by donation valid existing permits and grazing leases authorizing grazing on land in the park.

(B) TERMINATION.—The Secretary shall terminate a grazing permit or grazing lease acquired under subparagraph (A) so as to end grazing previously authorized by the permit or lease.”

SEC. 320. None of the funds made available in this Act shall be used by the Department of Energy in implementing the Codes and Standards Program to propose, issue, or prescribe any new or amended standard: *Provided*, That this section shall expire on September 30, 1996: *Provided further*, That nothing in this section shall preclude the Federal Government from promulgating rules concerning energy efficiency standards for the construction of new federally-owned commercial and residential buildings.

SEC. 321. None of the funds made available in this Act may be used (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 322. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) PROCESSING SCHEDULE.—For those applications for patents pursuant to subsection (b) which were filed with the Secretary of the Interior, prior to September 30, 1994, the Secretary of the Interior shall—

(1) Within three months of the enactment of this Act, file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a plan which details how the Department of the Interior will make a final determination

Termination  
date.

Reports.

as to whether or not an applicant is entitled to a patent under the general mining laws on at least 90 percent of such applications within five years of the enactment of this Act and file reports annually thereafter with the same committees detailing actions taken by the Department of the Interior to carry out such plan; and

(2) Take such actions as may be necessary to carry out such plan.

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 323. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of acquiring lands in the counties of Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

SEC. 324. No part of any appropriation contained in this Act or any other Act shall be expended or obligated to fund the activities of the Office of Forestry and Economic Development after December 31, 1995.

SEC. 325. (a) For one year after enactment of this Act, the Secretary shall continue the current Tongass Land Management Plan (TLMP) and may accommodate commercial tourism (if an agreement is signed between the Forest Service and the Alaska Visitors' Association) except that during this period, the Secretary shall maintain at least the number of acres of suitable available and suitable scheduled timber lands, and Allowable Sale Quantity as identified in the Preferred Alternative (Alternative P) in the Tongass Land and Resources Management Plan and Final Environmental Impact Statement (dated October 1992) as selected in the Record of Decision Review Draft #3-2/93. Nothing in this paragraph shall be interpreted to mandate clear-cutting or require the sale of timber and nothing in this paragraph, including the ASQ identified in Alternative P, shall be construed to limit the Secretary's consideration of new information or to prejudice future revision, amendment or modification of TLMP based upon sound, verifiable scientific data.

(b) If the Forest Service determines in a Supplemental Evaluation to an Environmental Impact Statement that no additional analysis under the National Environmental Policy Act or section 810 of the Alaska National Interest Lands Conservation Act is necessary for any timber sale or offering which has been prepared for acceptance by, or award to, a purchaser after December 31, 1988, that has been subsequently determined by the Forest Service to be available for sale or offering to one or more other purchaser, the change of purchasers for whatever reason shall not be considered a significant new circumstance, and the Forest Service may offer or award such timber sale or offering to a different purchaser or offeree, notwithstanding any other provision of law. A determina-

tion by the Forest Service pursuant to this paragraph shall not be subject to judicial review.

(c) The President is authorized to suspend the provisions of subsections (a) or (b), or both, if he determines that such suspension is appropriate based upon the public interest in sound environmental management, or protection of any cultural, biological, or historic resources. Any suspension by the President shall take effect on the date of execution, and continue in effect for such period, not to extend beyond the period in which this section would otherwise be in effect, as the President may determine, and shall be reported to the Congress prior to public release by the President. If the President suspends the provisions of subsections (a) or (b) or both, then such provisions shall have no legal force or effect during such suspension.

SEC. 326. (a) LAND EXCHANGE.—The Secretary of the Interior (hereinafter referred to as the “Secretary”) is authorized to convey to the Boise Cascade Corporation (hereinafter referred to as the “Corporation”), a corporation formed under the statutes of the State of Delaware, with its principal place of business at Boise, Idaho, title to approximately seven acres of land, more or less, located in sections 14 and 23, township 36 north, range 37 east, Willamette Meridian, Stevens County, Washington, further identified in the records of the Bureau of Reclamation, Department of the Interior, as Tract No. GC-19860, and to accept from the Corporation in exchange therefor, title to approximately one hundred and thirty-six acres of land located in section 19, township 37 north, range 38 east and section 33, township 38 north, range 37 east, Willamette Meridian, Stevens County, Washington, and further identified in the records of the Bureau of Reclamation, Department of the Interior, as Tract No. GC-19858 and Tract No. GC-19859, respectively.

(b) APPRAISAL.—The properties so exchanged either shall be approximately equal in fair market value or if they are not approximately equal, shall be equalized by the payment of cash to the Corporation or to the Secretary as required or in the event the value of the Corporation's lands is greater, the acreage may be reduced so that the fair market value is approximately equal: *Provided*, That the Secretary shall order appraisals made of the fair market value of each tract of land included in the exchange without consideration for improvements thereon: *Provided further*, That any cash payment received by the Secretary shall be covered in the Reclamation Fund and credited to the Columbia Basin project.

(c) ADMINISTRATIVE COSTS.—Costs of conducting the necessary land surveys, preparing the legal descriptions of the lands to be conveyed, performing the appraisals, and administrative costs incurred in completing the exchange shall be borne by the Corporation.

(d) LIABILITY FOR HAZARDOUS SUBSTANCES.—(1) The Secretary shall not acquire any lands under this Act if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(2) Notwithstanding any other provision of law, the United States shall have no responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands

covered by this Act after their transfer to the ownership of any party, but nothing in this Act shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of such lands on the date of their transfer to the ownership of another party. The Corporation shall indemnify the United States for liabilities arising under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601), and the Resource Conservation Recovery Act (42 U.S.C. 6901 et seq.).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 327. TIMBER SALES PIPELINE RESTORATION FUNDS.—(a) The Secretary of Agriculture and the Secretary of the Interior shall each establish a Timber Sales Pipeline Restoration Fund (hereinafter "Agriculture Fund" and "Interior Fund" or "Funds"). Any revenues received from sales released under section 2001(k) of the fiscal year 1995 Supplemental Appropriations for Disaster Assistance and Rescissions Act, minus the funds necessary to make payments to States or local governments under other law concerning the distribution of revenues derived from the affected lands, which are in excess of \$37,500,000 (hereinafter "excess revenues") shall be deposited into the Funds. The distribution of excess revenues between the Agriculture Fund and Interior Fund shall be calculated by multiplying the total of excess revenues times a fraction with a denominator of the total revenues received from all sales released under such section 2001(k) and numerators of the total revenues received from such sales on lands within the National Forest System and the total revenues received from such sales on lands administered by the Bureau of Land Management, respectively: *Provided*, That revenues or portions thereof from sales released under such section 2001(k), minus the amounts necessary for State and local government payments and other necessary deposits, may be deposited into the Funds immediately upon receipt thereof and subsequently redistributed between the Funds or paid into the United States Treasury as miscellaneous receipts as may be required when the calculation of excess revenues is made.

16 USC 1611  
note.

(b)(1) From the funds deposited into the Agriculture Fund and into the Interior Fund pursuant to subsection (a)—

(A) seventy-five percent shall be available, without fiscal year limitation or further appropriation, for preparation of timber sales, other than salvage sales as defined in section 2001(a)(3) of the fiscal year 1995 Supplemental Appropriations for Disaster Assistance and Rescissions Act, which—

(i) are situated on lands within the National Forest System and lands administered by the Bureau of Land Management, respectively; and

(ii) are in addition to timber sales for which funds are otherwise available in this Act or other appropriations Acts; and

(B) twenty-five percent shall be available, without fiscal year limitation or further appropriation, to expend on the backlog of recreation projects on lands within the National Forest System and lands administered by the Bureau of Land Management, respectively.

(2) Expenditures under this subsection for preparation of timber sales may include expenditures for Forest Service activities within

the forest land management budget line item and associated timber roads, and Bureau of Land Management activities within the Oregon and California grant lands account and the forestry management area account, as determined by the Secretary concerned.

(c) Revenues received from any timber sale prepared under subsection (b) or under this subsection, minus the amounts necessary for State and local government payments and other necessary deposits, shall be deposited into the Fund from which funds were expended on such sale. Such deposited revenues shall be available for preparation of additional timber sales and completion of additional recreation projects in accordance with the requirements set forth in subsection (b).

Federal Register,  
publication.

(d) The Secretary concerned shall terminate all payments into the Agriculture Fund or the Interior Fund, and pay any unobligated funds in the affected Fund into the United States Treasury as miscellaneous receipts, whenever the Secretary concerned makes a finding, published in the Federal Register, that sales sufficient to achieve the total allowable sales quantity of the National Forest System for the Forest Service or the allowable sales level for the Oregon and California grant lands for the Bureau of Land Management, respectively, have been prepared.

(e) Any timber sales prepared and recreation projects completed under this section shall comply with all applicable environmental and natural resource laws and regulations.

Reports.

(f) The Secretary concerned shall report annually to the Committees on Appropriations of the United States Senate and the House of Representatives on expenditures made from the Fund for timber sales and recreation projects, revenues received into the Fund from timber sales, and timber sale preparation and recreation project work undertaken during the previous year and projected for the next year under the Fund. Such information shall be provided for each Forest Service region and Bureau of Land Management State office.

Termination  
date.

(g) The authority of this section shall terminate upon the termination of both Funds in accordance with the provisions of subsection (d).

SEC. 328. Of the funds provided to the National Endowment for the Arts:

Grants.

(a) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

Procedures.

(b) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(c) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 329. DELAY IN IMPLEMENTATION OF THE ADMINISTRATION'S RANGELAND REFORM PROGRAM.—None of the funds made available under this or any other Act may be used to implement or enforce the final rule published by the Secretary of the Interior on February 22, 1995 (60 Fed. Reg. 9894), making amendments to parts 4,

1780, and 4100 of title 43, Code of Federal Regulations, to take effect August 21, 1995, until November 21, 1995. None of the funds made available under this or any other Act may be used to publish proposed or enforce final regulations governing the management of livestock grazing on lands administered by the Forest Service until November 21, 1995.

SEC. 330. Section 1864 of title 18, United States Code, is amended—

- (1) in subsection (b)—
  - (A) in paragraph (2), by striking “twenty” and inserting “40”;
  - (B) in paragraph (3), by striking “ten” and inserting “20”;
  - (C) in paragraph (4), by striking “if damage exceeding \$10,000 to the property of any individual results,” and inserting “if damage to the property of any individual results or if avoidance costs have been incurred exceeding \$10,000, in the aggregate,”; and
  - (D) in paragraph (4), by striking “ten” and inserting “20”;
- (2) in subsection (c) by striking “ten” and inserting “20”;
- (3) in subsection (d), by—
  - (A) striking “and” at the end of paragraph (2);
  - (B) striking the period at the end of paragraph (3) and inserting “; and”; and
  - (C) adding at the end the following:
 

“(4) the term ‘avoidance costs’ means costs incurred by any individual for the purpose of—

    - “(A) detecting a hazardous or injurious device; or
    - “(B) preventing death, serious bodily injury, bodily injury, or property damage likely to result from the use of a hazardous or injurious device in violation of subsection (a).”; and
- (4) by adding at the end thereof the following:
 

“(e) Any person injured as the result of a violation of subsection (a) may commence a civil action on his own behalf against any person who is alleged to be in violation of subsection (a). The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, in such civil actions. The court may award, in addition to monetary damages for any injury resulting from an alleged violation of subsection (a), costs of litigation, including reasonable attorney and expert witness fees, to any prevailing or substantially prevailing party, whenever the court determines such award is appropriate.”

Courts.

SEC. 331. (a) PURPOSES OF NATIONAL ENDOWMENT FOR THE ARTS.—Section 2 of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951), sets out findings and purposes for which the National Endowment for the Arts was established, among which are—

- (1) “The arts and humanities belong to all the people of the United States”;
- (2) “The arts and humanities reflect the high place accorded by the American people . . . to the fostering of mutual respect for the diverse beliefs and values of all persons and groups”;
- (3) “Public funding of the arts and humanities is subject to the conditions that traditionally govern the use of public

money [and] such funding should contribute to public support and confidence in the use of taxpayer funds”; and

(4) “Public funds provided by the Federal Government must ultimately serve public purposes the Congress defines”.

(b) ADDITIONAL CONGRESSIONAL FINDINGS.—Congress further finds and declares that the use of scarce funds, which have been taken from all taxpayers of the United States, to promote, disseminate, sponsor, or produce any material or performance that—

(1) denigrates the religious objects or religious beliefs of the adherents of a particular religion, or

(2) depicts or describes, in a patently offensive way, sexual or excretory activities or organs, is contrary to the express purposes of the National Foundation on the Arts and the Humanities Act of 1965, as amended.

(c) PROHIBITION ON FUNDING THAT IS NOT CONSISTENT WITH THE PURPOSES OF THE ACT.—Notwithstanding any other provision of law, none of the scarce funds which have been taken from all taxpayers of the United States and made available under this Act to the National Endowment for the Arts may be used to promote, disseminate, sponsor, or produce any material or performance that—

(1) denigrates the religious objects or religious beliefs of the adherents of a particular religion, or

(2) depicts or describes, in a patently offensive way, sexual or excretory activities or organs, and this prohibition shall be strictly applied without regard to the content or viewpoint of the material or performance.

(d) SECTION NOT TO AFFECT OTHER WORKS.—Nothing in this section shall be construed to affect in any way the freedom of any artist or performer to create any material or performance using funds which have not been made available under this Act to the National Endowment for the Arts.

SEC. 332. For purposes related to the closure of the Bureau of Mines, funds made available to the United States Geological Survey, the United States Bureau of Mines, and the Bureau of Land Management shall be available for transfer, with the approval of the Secretary of the Interior, among the following accounts: United States Geological Survey, Surveys, investigations, and research; Bureau of Mines, Mines and minerals; and Bureau of Land Management, Management of lands and resources. The Secretary of Energy shall reimburse the Secretary of the Interior, in an amount to be determined by the Director of the Office of Management and Budget, for the expenses of the transferred functions between October 1, 1995 and the effective date of the transfers of function. Such transfers shall be subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

SEC. 333. No funds appropriated under this or any other Act shall be used to review or modify sourcing areas previously approved under section 490(c)(3) of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101-382) or to enforce or implement Federal regulations 36 CFR part 223 promulgated on September 8, 1995. The regulations and interim rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 Subpart D, 36 CFR 223 Subpart F, and 36 CFR 261.6) shall remain in effect. The Secretary of Agriculture or the Secretary of the Interior shall not adopt any policies concerning Public Law 101-382 or existing regulations that would restrain domestic

Guidelines.

transportation or processing of timber from private lands or impose additional accountability requirements on any timber. The Secretary of Commerce shall extend until September 30, 1996, the order issued under section 491(b)(2)(A) of Public Law 101-382 and shall issue an order under section 491(b)(2)(B) of such law that will be effective October 1, 1996.

Extension date.  
Effective date.  
16 USC 620c  
note.

SEC. 334. The National Park Service, in accordance with the Memorandum of Agreement between the United States National Park Service and the City of Vancouver dated November 4, 1994, shall permit general aviation on its portion of Pearson Field in Vancouver, Washington until the year 2022, during which time a plan and method for transitioning from general aviation aircraft to historic aircraft shall be completed; such transition to be accomplished by that date. This action shall not be construed to limit the authority of the Federal Aviation Administration over air traffic control or aviation activities at Pearson Field or limit operations and airspace of Portland International Airport.

Washington.  
Aviation.

SEC. 335. The United States Forest Service approval of Alternative site 2 (ALT 2), issued on December 6, 1993, is hereby authorized and approved and shall be deemed to be consistent with, and permissible under, the terms of Public Law 100-696 (the Arizona-Idaho Conservation Act of 1988).

SEC. 336. None of the funds made available to the Department of the Interior or the Department of Agriculture by this or any other Act may be used to issue or implement final regulations, rules, or policies pursuant to Title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over navigable waters transferred to the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska Statehood Act of 1959.

SEC. 337. Directs the Department of the Interior to transfer to the Daughters of the American Colonists a plaque in the possession of the National Park Service. The Park Service currently has this plaque in storage and this provision provides for its return to the organization that originally placed the plaque on the Great Southern Hotel in Saint Louis, Missouri in 1933 to mark the site of Fort San Carlos.

Daughters of the  
American  
Colonists.

SEC. 338. Upon enactment of this Act, all funds obligated in fiscal year 1996 under "Salaries and expenses", Pennsylvania Avenue Development Corporation are to be offset by unobligated balances made available under this Act under the account "Public development", Pennsylvania Avenue Development Corporation and all funds obligated in fiscal year 1996 under "International forestry", Forest Service are to be offset, as appropriate, by funds made available under this Act under the accounts "Forest research", "State and private forestry", "National forest system", and "Construction" in the Forest Service.

SEC. 339. (a) Notwithstanding any other provision of law, in order to avoid or minimize the need for involuntary separations due to a reduction in force, reorganizations, transfer of function, or other similar action, the Secretary of the Smithsonian Institution may pay, or authorize the payment of, voluntary separation incentive payments to Smithsonian Institution employees who separate from Federal service voluntarily through October 1, 1996 (whether by retirement or resignation).

5 USC 5597 note.

(b) A voluntary separation incentive payment—

(1) shall be paid in a lump sum after the employee's separation in an amount to be determined by the Secretary, but shall not exceed \$25,000; and

(2) shall not be a basis for payment, and shall not be included in the computation, of any other type of benefit.

(c)(1) An employee who has received a voluntary separation incentive payment under this section and accepts employment with any agency or instrumentality of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay the entire amount of the incentive payment to the Smithsonian Institution.

(2) The repayment required by paragraph (1) may be waived only by the Secretary.

(d) In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, the Smithsonian shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the Smithsonian to whom a voluntary separation incentive payment has been paid.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1996".

(d) For programs, projects or activities in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

Departments of  
Labor, Health  
and Human  
Services, and  
Education, and  
Related Agencies  
Appropriations  
Act, 1996.  
Department of  
Labor  
Appropriations  
Act, 1996.

## AN ACT

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996 and for other purposes.

### TITLE I—DEPARTMENT OF LABOR

#### EMPLOYMENT AND TRAINING ADMINISTRATION

##### TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act; title II of the Civil Rights Act of 1991; the Women in Apprenticeship and Nontraditional Occupations Act; National Skill Standards Act of 1994; and the School-to-Work Opportunities Act; \$4,146,278,000 plus reimbursements, of which \$3,226,559,000 is available for obligation for the period July 1, 1996 through June 30, 1997; of which \$121,467,000 is available for the period July 1, 1996 through June 30, 1999 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers; and of which \$170,000,000 shall be available from July 1, 1996 through September 30, 1997, for carrying out activities of the School-to-Work Opportunities Act: *Provided*, That \$52,502,000 shall be for carrying out section 401 of the Job Training Partnership Act,

\$69,285,000 shall be for carrying out section 402 of such Act, \$7,300,000 shall be for carrying out section 441 of such Act, \$8,000,000 shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under such Act, \$850,000,000 shall be for carrying out title II, part A of such Act, \$126,672,000 shall be for carrying out title II, part C of such Act and \$2,500,000 shall be available for obligation from October 1, 1995 through September 30, 1996 to support short-term training and employment-related activities incurred by the organizer of the 1996 Paralympic Games: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That notwithstanding any other provision of law, the Secretary of Labor may waive any of the requirements contained in sections 4, 104, 105, 107, 108, 121, 164, 204, 253, 254, 264, 301, 311, 313, 314, and 315 of the Job Training Partnership Act in order to assist States in improving State workforce development systems, pursuant to a request submitted by a State that has prior to the date of enactment of this Act executed a Memorandum of Understanding with the United States requiring such State to meet agreed upon outcomes: *Provided further*, That funds used from this Act to carry out title III of the Job Training Partnership Act shall not be subject to the limitation contained in subsection (b) of section 315 of such Act; that the waiver allowing a reduction in the cost limitation relating to retraining services described in subsection (a)(2) of such section 315 may be granted with respect to funds from this Act if a substate grantee demonstrates to the Governor that such waiver is appropriate due to the availability of low-cost retraining services, is necessary to facilitate the provision of needs-related payments to accompany long-term training, or is necessary to facilitate the provision of appropriate basic readjustment services and that funds used from this Act to carry out the Secretary's discretionary grants under part B of such title III may be used to provide needs-related payments to participants who, in lieu of meeting the requirements relating to enrollment in training under section 314(e) of such Act, are enrolled in training by the end of the sixth week after funds have been awarded: *Provided further*, That service delivery areas may transfer funding provided herein under authority of titles II-B and II-C of the Job Training Partnership Act between the programs authorized by those titles of that Act, if such transfer is approved by the Governor: *Provided further*, That service delivery areas and substate areas may transfer funding provided herein under authority of title II-A and title III of the Job Training Partnership Act between the programs authorized by those titles of the Act, if such transfer is approved by the Governor: *Provided further*, That, notwithstanding any other provision of law, any proceeds from the sale of Job Corps Center facilities shall be retained by the Secretary of Labor to carry out the Job Corps program.

#### COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, \$290,940,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, \$82,060,000.

#### FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, \$346,100,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

#### STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49-49l-1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502-504); necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, and sections 225, 231-235, 243-244, and 250(d)(1), 250(d)(3), title II of the Trade Act of 1974, as amended; as authorized by section 7c of the Act of June 6, 1933, as amended, necessary administrative expenses under sections 101(a)(15)(H), 212(a)(5)(A), (m) (2) and (3), (n)(1), and 218(g) (1), (2), and (3), and 258(c) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.); necessary administrative expenses to carry out section 221(a) of the Immigration Act of 1990, \$135,328,000, together with not to exceed \$3,102,194,000 (including not to exceed \$1,653,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including not to exceed \$2,000,000 which may be obligated in contracts with non-State entities for activities such as occupational and test research activities which benefit the Federal-State Employment Service System), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502-504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, shall be available for obligation by the States through December 31, 1996, except that funds used for automation acquisitions shall be available for obligation by States through September 30, 1998; and of which \$133,452,000, together with not to exceed \$738,283,000 of the amount which may be expended from said trust fund shall be available for obligation for the period July 1, 1996, through June 30, 1997, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which \$216,333,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU)

for fiscal year 1996 is projected by the Department of Labor to exceed 2.785 million, an additional \$28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A-87.

#### ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and section 104(d) of Public Law 102-164, and section 5 of Public Law 103-6, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1997, \$369,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 1996, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

#### ADVANCES TO THE EMPLOYMENT SECURITY ADMINISTRATION ACCOUNT OF THE UNEMPLOYMENT TRUST FUND

##### (RESCISSION)

Amounts remaining unobligated under this heading as of September 30, 1995, are hereby rescinded.

#### PAYMENTS TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

##### (RESCISSION)

Of the amounts remaining unobligated under this heading as of September 30, 1995, \$266,000,000 are hereby rescinded.

#### PROGRAM ADMINISTRATION

For expenses of administering employment and training programs and for carrying out section 908 of the Social Security Act, \$83,054,000, together with not to exceed \$40,793,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for Pension and Welfare Benefits Administration, \$67,497,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1996, for such Corporation: *Provided*, That not to exceed \$10,603,000 shall be available for administrative expenses of the Corporation: *Provided further*, That expenses of such Corporation in connection with the collection of premiums, the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$265,637,000, together with \$1,007,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91-0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under Title I of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1801 et seq.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or

any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, \$218,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That such sums as are necessary may be used under section 8104 of title 5, United States Code, by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 1995, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary of Labor determines to be the cost of administration for employees of such fair share entities through September 30, 1996: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration, \$19,383,000 shall be made available to the Secretary of Labor for expenditures relating to capital improvements in support of Federal Employees' Compensation Act administration, and the balance of such funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under Subchapter 5, U.S.C., chapter 81, or under subchapter 33, U.S.C. 901, et seq. (the Longshore and Harbor Workers' Compensation Act, as amended), provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

#### BLACK LUNG DISABILITY TRUST FUND

##### (INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, \$996,763,000, of which \$949,494,000 shall be available until September 30, 1997, for payment of all benefits as authorized by section 9501(d) (1), (2), (4), and (7), of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which \$27,350,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and \$19,621,000 for transfer to Departmental Management, Salaries and Expenses, and \$298,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided*, That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period

subsequent to August 15 of the current year: *Provided further*, That in addition such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

## OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

### SALARIES AND EXPENSES

29 USC 670 note.

For necessary expenses for the Occupational Safety and Health Administration, \$304,984,000 including not to exceed \$68,295,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

- (1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;
- (2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;
- (3) to take any action authorized by such Act with respect to imminent dangers;
- (4) to take any action authorized by such Act with respect to health hazards;
- (5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two

or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

*Provided further*, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

#### MINE SAFETY AND HEALTH ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, \$196,673,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine. 30 USC 962.

#### BUREAU OF LABOR STATISTICS

##### SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$293,181,000, of which \$11,549,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 1997, together with not to exceed \$51,278,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

#### DEPARTMENTAL MANAGEMENT

##### SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including up to \$4,358,000 for the President's Committee on Employment of People With Disabilities, \$141,047,000; together with not to exceed \$303,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That no funds 33 USC 921 note.

made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in *Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding*, 115 S. Ct. 1278, (1995): *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor after September 12, 1996, to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months, except as otherwise specified herein: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than one year shall, if not acted upon by the Board before September 12, 1996, be considered affirmed by the Benefits Review Board on that date, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, that beginning on September 13, 1996, the Benefits Review Board shall make a decision on an appeal of a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) not later than 1 year after the date the appeal to the Benefits Review Board was filed; however, if the Benefits Review Board fails to make a decision within the 1-year period, the decision under review shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further* that these provisions shall not be applicable to the review of any decision issued under the Black Lung Benefits Act (30 USC 901 et seq.).

Effective date.

Effective date.

Effective date.  
33 USC 921 note.

Beginning on September 13, 1996, in any appeal to the Benefits Review Board that has been pending for one year, the petitioner may elect to maintain the proceeding before the Benefits Review Board for a period of 60 days. Such election shall be filed with the Board no later than 30 days prior to the end of the one-year period. If no decision is rendered during this 60-day period, the decision under review shall be considered affirmed by the Board on the last day of such period, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals.

## WORKING CAPITAL FUND

29 USC 563.

The language under this heading in Public Law 85-67, as amended, is further amended by adding the following before the last period: "*Provided further*, That within the Working Capital Fund, there is established an Investment in Reinvention Fund (IRF), which shall be available to invest in projects of the Department designed to produce measurable improvements in agency efficiency and significant taxpayer savings. Notwithstanding any other provision of law, the Secretary of Labor may retain up to \$3,900,000 of the unobligated balances in the Department's annual Salaries and Expenses accounts as of September 30, 1995, and transfer those amounts to the IRF to provide the initial capital for the IRF, to remain available until expended, to make loans to agencies of the Department for projects designed to enhance productivity and generate cost savings. Such loans shall be repaid to the IRF no later than September 30 of the fiscal year following the fiscal

year in which the project is completed. Such repayments shall be deposited in the IRF, to be available without further appropriation action."

#### ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed \$170,390,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100-4110A and 4321-4327, and Public Law 103-353, and which shall be available for obligation by the States through December 31, 1996.

#### OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$44,426,000, together with not to exceed \$3,615,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

#### GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of \$125,000.

SEC. 102. None of the funds made available in this Act may be used by the Occupational Safety and Health Administration directly or through section 23(g) of the Occupational Safety and Health Act to promulgate or issue any proposed or final standard or guideline regarding ergonomic protection. Nothing in this section shall be construed to limit the Occupational Safety and Health Administration from conducting any peer reviewed risk assessment activity regarding ergonomics, including conducting peer reviews of the scientific basis for establishing any standard or guideline, direct or contracted research, or other activity necessary to fully establish the scientific basis for promulgating any standard or guideline on ergonomic protection.

Ergonomics.

#### (TRANSFER OF FUNDS)

SEC. 103. Not to exceed 1 percent of any appropriation made available for the current fiscal year for the Department of Labor in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfers: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfers.

SEC. 104. Funds shall be available for carrying out Title IV-B of the Job Training Partnership Act, notwithstanding section 427(c) of that Act, if a Job Corps center fails to meet national performance standards established by the Secretary.

This title may be cited as the "Department of Labor Appropriations Act, 1996".

Department of  
Health and  
Human Services  
Appropriations  
Act, 1996.

## TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

### HEALTH RESOURCES AND SERVICES ADMINISTRATION

#### HEALTH RESOURCES AND SERVICES

Family planning.

Abortion.

AIDS.

For carrying out titles II, III, VII, VIII, X, XVI, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, Public Law 101-527, and the Native Hawaiian Health Care Act of 1988, as amended, \$3,077,857,000, of which \$391,700,000 shall be for part A of title XXVI of the Public Health Service Act and \$260,847,000 shall be for part B of title XXVI of the Public Health Service Act, and of which \$411,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: *Provided*, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative, and occupational health professionals: *Provided further*, That of the funds made available under this heading, \$858,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That no more than \$5,000,000 is available for carrying out the provisions of Public Law 104-73: *Provided further*, That of the funds made available under this heading, \$193,349,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That notwithstanding any other provision of law, funds made available under this heading may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102-408: *Provided further*, That the Secretary shall use amounts available for section 2603(b) of the Public Health Service Act as necessary to ensure that fiscal year 1996 grant awards made under section 2603(a) of such Act to eligible areas that received such grants in fiscal year 1995 are not less than 99 percent of the fiscal year 1995 level: *Provided further*, That funds made available under this heading for activities authorized by part A of title XXVI of the Public Health Service Act are available only for those metropolitan areas previously funded under Public Law 103-333 or with a cumulative total of more than 2,000 cases of AIDS, as reported to the Centers for Disease Control and Prevention as of March 31, 1995, and have a population of 500,000 or more: *Provided further*, That of the amounts provided for part B of title XXVI

of the Public Health Service Act \$52,000,000 shall be used only for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act and shall be distributed to States as authorized by section 2618(b)(2) of such Act.

#### MEDICAL FACILITIES GUARANTEE AND LOAN FUND

##### FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, \$8,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

#### HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed \$210,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, \$2,688,000.

#### VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed \$3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

#### VACCINE INJURY COMPENSATION

For payment of claims resolved by the United States Court of Federal Claims related to the administration of vaccines before October 1, 1988, \$110,000,000, to remain available until expended.

#### CENTERS FOR DISEASE CONTROL AND PREVENTION

##### DISEASE CONTROL, RESEARCH, AND TRAINING

##### (RESCISSION)

Of the amounts made available under this heading in Public Law 103-333, Public Law 103-112, and Public Law 102-394 for immunization activities, \$53,000,000 are hereby rescinded: *Provided*, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate:

*Provided further*, That the Congress is to be notified promptly of any such transfer.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, \$1,883,715,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, \$65,186,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed \$60,124,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$55,094,355,000, to remain available until expended.

For making, after May 31, 1996, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1996 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1997, \$26,155,350,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

## PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$63,313,000,000.

## PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, and title XIII of the Public Health Service Act, the Clinical Laboratory Improvement Amendments of 1988, and section 4005(e) of Public Law 100-203, not to exceed \$1,734,810,000, together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended, together with such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, the \$1,734,810,000, to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to this appropriation.

## HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1996, no commitments for direct loans or loan guarantees shall be made.

## ADMINISTRATION FOR CHILDREN AND FAMILIES

## FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV-A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), \$13,614,307,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-A and D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV-A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5,

1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1997, \$4,800,000,000, to remain available until expended.

#### JOB OPPORTUNITIES AND BASIC SKILLS

For carrying out aid to families with dependent children work programs, as authorized by part F of title IV of the Social Security Act, \$1,000,000,000.

#### LOW INCOME HOME ENERGY ASSISTANCE

##### (INCLUDING RESCISSION)

Of the funds made available beginning on October 1, 1995 under this heading in Public Law 103-333, \$100,000,000 are hereby rescinded.

President.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$300,000,000 to be available for obligation in the period October 1, 1996 through September 30, 1997: *Provided*, That all of the funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

Funds made available in the fourth paragraph under this heading in Public Law 103-333 that remain unobligated as of September 30, 1996 shall remain available until September 30, 1997.

#### REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), \$402,172,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 103-112 for fiscal year 1994 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1995 and 1996.

#### CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), \$934,642,000, which shall be available for obligation under the same statutory terms and conditions applicable in the prior fiscal year.

#### SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$2,381,000,000: *Provided*, That notwithstanding section 2003(c) of such Act, the amount specified for allocation under such section for fiscal year 1996 shall be \$2,381,000,000.

## CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95-266 (adoption opportunities), the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986, the Abandoned Infants Assistance Act of 1988, and part B(1) of title IV of the Social Security Act; for making payments under the Community Services Block Grant Act; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 126 and titles IV and V of Public Law 100-485, \$4,767,006,000, of which \$435,463,000 shall be for making payments under the Community Services Block Grant Act: *Provided*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes.

In addition, \$21,358,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40155, 40211, 40241, and 40251 of Public Law 103-322.

## FAMILY PRESERVATION AND SUPPORT

For carrying out section 430 of the Social Security Act, \$225,000,000.

## PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV-E of the Social Security Act, \$4,322,238,000.

## ADMINISTRATION ON AGING

## AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, \$829,393,000, of which \$4,449,000 shall be for section 712 and \$4,732,000 shall be for section 721: *Provided*, That notwithstanding section 308(b)(1) of such Act, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995.

## OFFICE OF THE SECRETARY

## GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans,

and for carrying out titles III, XVII, and XX of the Public Health Service Act, \$139,499,000, together with \$6,628,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided*, That of the funds made available under this heading for carrying out title XVII of the Public Health Service Act, \$7,500,000 shall be available until expended for extramural construction.

#### OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$36,162,000, together with any funds, to remain available until expended, that represent the equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated, and which are transferred to the Office of the Inspector General by the Department of Justice, the Department of the Treasury, or the United States Postal Service.

#### OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$16,153,000, together with not to exceed \$3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

#### POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, \$9,000,000.

#### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to prepare to respond to the health and medical consequences of nuclear, chemical, or biologic attack in the United States, \$7,000,000, to remain available until expended and, in addition, for clinical trials, applying imaging technology used for missile guidance and target recognition to new uses improving the early detection of breast cancer, \$2,000,000, to remain available until expended.

#### GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed \$37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

Children, youth  
and families.  
AIDS.

SEC. 204. None of the funds made available by this Act may be used to withhold payment to any State under the Child Abuse Prevention and Treatment Act by reason of a determination that the State is not in compliance with section 1340.2(d)(2)(ii) of title 45 of the Code of Federal Regulations. This provision expires upon the date of enactment of the reauthorization of the Child Abuse Prevention and Treatment Act or upon September 30, 1996, whichever occurs first.

Termination  
date.

SEC. 205. None of the funds appropriated in this or any other Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of \$125,000 per year.

SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

Reports.

(TRANSFER OF FUNDS)

SEC. 207. Of the funds appropriated or otherwise made available for the Department of Health and Human Services, General Departmental Management, for fiscal year 1996, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health and Human Services.

SEC. 208. Notwithstanding section 106 of Public Law 104-91 and section 106 of Public Law 104-99, appropriations for the National Institutes of Health and the Centers for Disease Control and Prevention shall be available for fiscal year 1996 as specified in section 101 of Public Law 104-91 and section 128 of Public Law 104-99.

SEC. 209. None of the funds appropriated in this Act may be obligated or expended for the Federal Council on Aging under the Older Americans Act or the Advisory Board on Child Abuse and Neglect under the Child Abuse Prevention and Treatment Act.

SEC. 210. Of the funds provided for the account heading "Disease Control, Research, and Training" in Public Law 104-91, \$31,642,000, to be derived from the Violent Crime Reduction Trust Fund, is hereby available for carrying out sections 40151, 40261, and 40293 of Public Law 103-322 notwithstanding any provision of Public Law 104-91.

(TRANSFER OF FUNDS)

SEC. 211. Not to exceed 1 percent of any appropriation made available for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfers: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfers.

## (TRANSFER OF FUNDS)

SEC. 212. The Director, National Institutes of Health, jointly with the Director, Office of AIDS Research, may transfer up to 3 percent among Institutes, Centers, and the National Library of Medicine from the total amounts identified in the apportionment for each Institute, Center, or the National Library of Medicine for AIDS research: *Provided*, That such transfers shall be within 30 days of enactment of this Act and be based on the scientific priorities established in the plan developed by the Director, Office of AIDS Research, in accordance with section 2353 of the<sup>2</sup> Act: *Provided further*, That the Congress is promptly notified of the transfer.

SEC. 213. In fiscal year 1996, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

SEC. 214. (a) REIMBURSEMENT OF CERTAIN CLAIMS UNDER THE MEDICAID PROGRAM.—Notwithstanding any other provision of law, and subject to subsection (b), in the case where payment has been made by a State under title XIX of the Social Security Act between December 31, 1993, and December 31, 1995, to a State-operated psychiatric hospital for services provided directly by the hospital or by providers under contract or agreement with the hospital, and the Secretary of Health and Human Services has notified the State that the Secretary intends to defer the determination of claims for reimbursement related to such payment but for which a deferral of such claims has not been taken as of March 1, 1996, (or, if such claims have been deferred as of such date, such claims have not been disallowed by such date), the Secretary shall—

(1) if, as of the date of the enactment of this title, such claims have been formally deferred or disallowed, discontinue any such action, and if a disallowance of such claims has been taken as of such date, rescind any payment reductions effected;

(2) not initiate any deferral or disallowance proceeding related to such claims; and

(3) allow reimbursement of such claims.

(b) LIMITATION ON RESCISSION OR REIMBURSEMENT OF CLAIMS.—The total amount of payment reductions rescinded or reimbursement of claims allowed under subsection (a) shall not exceed \$54,000,000.

This title may be cited as the “Department of Health and Human Services Appropriations Act, 1996”.

## TITLE III—DEPARTMENT OF EDUCATION

## EDUCATION REFORM

For carrying out activities authorized by titles III and IV of the Goals 2000: Educate America Act and the School-to-Work Opportunities Act, \$530,000,000, of which \$340,000,000 for the Goals 2000: Educate America Act and \$180,000,000 for the School-to-Work Opportunities Act shall become available on July 1, 1996, and remain available through September 30, 1997: *Provided*, That notwithstanding section 311(e) of Public Law 103-227, the Secretary

Department of  
Education  
Appropriations  
Act, 1996.

20 USC 5891  
note.

<sup>2</sup> Illegible text, probably “the Public Health Service”.

is authorized to grant up to six additional State education agencies authority to waive Federal statutory or regulatory requirements for fiscal year 1996 and succeeding fiscal years: *Provided further*, That none of the funds appropriated under this heading shall be obligated or expended to carry out section 304(a)(2)(A) of the Goals 2000: Educate America Act.

#### EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act, \$7,228,116,000, of which \$5,913,391,000 shall become available on July 1, 1996 and shall remain available through September 30, 1997 and of which \$1,298,386,000 shall become available on October 1, 1996 and shall remain available through September 30, 1997 for academic year 1996-1997: *Provided*, That \$5,985,839,000 shall be available for basic grants under section 1124: *Provided further*, That up to \$3,500,000 of these funds shall be available to the Secretary on October 1, 1995, to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That \$677,241,000 shall be available for concentration grants under section 1124(A) and \$3,370,000 shall be available for evaluations under section 1501.

#### IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, \$693,000,000, of which \$581,707,000 shall be for basic support payments under section 8003(b), \$40,000,000 shall be for payments for children with disabilities under section 8003(d), \$50,000,000, to remain available until expended, shall be for payments under section 8003(f), \$5,000,000 shall be for construction under section 8007, and \$16,293,000 shall be for Federal property payments under section 8002.

#### SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV-A-1 and 2, V-A, VI, section 7203, and titles IX, X and XIII of the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964; \$1,223,708,000 of which \$1,015,481,000 shall become available on July 1, 1996, and remain available through September 30, 1997: *Provided*, That of the amount appropriated, \$275,000,000 shall be for Eisenhower professional development State grants under title II-B and \$275,000,000 shall be for innovative education program strategies State grants under title VI-A: *Provided further*, That not less than \$3,000,000 shall be for innovative programs under section 5111.

#### BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual and immigrant education activities authorized by title VII of the Elementary and Secondary Education Act, without regard to section 7103(b), \$178,000,000 of which \$50,000,000 shall be for immigrant education programs authorized by part C: *Provided*, That State

educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies: *Provided further*, That the Department of Education should only support instructional programs which ensure that students completely master English in a timely fashion (a period of three to five years) while meeting rigorous achievement standards in the academic content areas.

Territories.

## SPECIAL EDUCATION

Grants.

Grants.

For carrying out parts B, C, D, E, F, G, and H and section 610(j)(2)(C) of the Individuals with Disabilities Education Act, \$3,245,447,000, of which \$3,000,000,000 shall become available for obligation on July 1, 1996, and shall remain available through September 30, 1997: *Provided*, That notwithstanding section 621(e), funds made available for section 621 shall be distributed among each of the regional centers and the Federal center in proportion to the amount that each such center received in fiscal year 1995: *Provided further*, That the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall be considered public or private nonprofit entities or organizations for the purpose of parts C, D, E, F, and G of the Individuals with Disabilities Education Act: *Provided further*, That, from the funds available under section 611 of the Act, the Secretary shall award grants, for which Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall be eligible, to carry out the purposes set forth in section 601(c) of the Act, and that the amount of funds available for such grants shall be equal to the amount that the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau would be eligible to receive if they were considered jurisdictions for the purpose of section 611(e) of the Act: *Provided further*, That the Secretary shall award grants in accordance with the recommendations of the entity specified in section 1121(b)(2)(A) of the Elementary and Secondary Education Act, including the provision of administrative costs to such entity not to exceed five percent: *Provided further*, That to be eligible for a competitive award under the Individuals with Disabilities Education Act, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau must meet the conditions applicable to States under part B of the Act.

## REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Technology-Related Assistance for Individuals with Disabilities Act, and the Helen Keller National Center Act, as amended, and the 1996 Paralympics Games, \$2,456,120,000 of which \$7,000,000 will be used to support the Paralympics Games: *Provided*, That \$1,000,000 of the funds provided for Special Demonstrations shall be used to continue the two head injury centers that were first funded under this program in fiscal year 1992.

## SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

## AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), \$6,680,000.

## NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$42,180,000: *Provided*, That from the amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

## GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$77,629,000: *Provided*, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

## VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, the Adult Education Act, and the National Literacy Act of 1991, \$1,340,261,000, of which \$4,869,000 shall be for the National Institute for Literacy; and of which \$1,337,342,000 shall become available on July 1, 1996 and shall remain available through September 30, 1997: *Provided*, That of the amounts made available under the Carl D. Perkins Vocational and Applied Technology Education Act, \$5,000,000 shall be for national programs under title IV without regard to section 451 and \$350,000 shall be for evaluations under section 346(b) of the Act and no funds shall be awarded to a State Council under section 112(f), and no State shall be required to operate such a Council.

## STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, part C, and part E of title IV of the Higher Education Act of 1965, as amended, \$6,312,033,000, which shall remain available through September 30, 1997: *Provided*, That notwithstanding section 401(a)(1) of the Act, there shall be not to exceed 3,650,000 Pell Grant recipients in award year 1995-1996.

The maximum Pell Grant for which a student shall be eligible during award year 1996-1997 shall be \$2,470: *Provided*, That notwithstanding section 401(g) of the Act, as amended, if the Secretary determines, prior to publication of the payment schedule for award year 1996-1997, that the \$4,967,446,000 included within this appropriation for Pell Grant awards for award year 1996-1997, and any funds available from the fiscal year 1995 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount,

20 USC 1070a  
note.

as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

#### FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, \$30,066,000.

#### HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, parts A and B of title III, without regard to section 360(a)(1)(B)(ii), titles IV, V, VI, VII, and IX, part A and subpart 1 of part B of title X, and title XI of the Higher Education Act of 1965, as amended, Public Law 102-423, and the Mutual Educational and Cultural Exchange Act of 1961; \$836,964,000, of which \$16,712,000 for interest subsidies under title VII of the Higher Education Act, as amended, shall remain available until expended: *Provided*, That notwithstanding sections 419D, 419E, and 419H of the Higher Education Act, as amended, scholarships made under title IV, part A, subpart 6 shall be prorated to maintain the same number of new scholarships in fiscal year 1996 as in fiscal year 1995.

#### HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), \$182,348,000: *Provided*, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under the Howard University Endowment Act (Public Law 98-480).

#### HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year.

#### COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For administrative expenses to carry out the existing direct loan program of college housing and academic facilities loans entered into pursuant to title VII, part C, of the Higher Education Act, as amended, \$700,000.

#### COLLEGE HOUSING LOANS

Contracts.

Pursuant to title VII, part C of the Higher Education Act, as amended, for necessary expenses of the college housing loans program, previously carried out under title IV of the Housing Act of 1950, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs

for inspections and site visits, shall be available for the operating expenses of this account.

#### HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 724 of title VII, part B of the Higher Education Act shall not exceed \$357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title VII, part B of the Higher Education Act, as amended, \$166,000.

#### EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act; the National Education Statistics Act; sections 2102, 3136, 3141 and parts B, C, and D of title III, parts A, B, I, and K, and section 10601 of title X, part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of the Goals 2000: Educate America Act, \$351,268,000: *Provided*, That \$48,000,000 shall be for sections 3136 and 3141 of the Elementary and Secondary Education Act: *Provided further*, That \$3,000,000 shall be for the elementary mathematics and science equipment projects under the fund for the improvement of education: *Provided further*, That funds shall be used to extend star schools partnership projects that received continuation grants in fiscal year 1995: *Provided further*, That none of the funds appropriated in this paragraph may be obligated or expended for the Goals 2000 Community Partnerships Program: *Provided further*, That funds for International Education Exchange shall be used to extend the two grants awarded in fiscal year 1995.

#### LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, II, III, and IV of the Library Services and Construction Act, and title II-B of the Higher Education Act, \$132,505,000, of which \$16,369,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended; and \$2,500,000 shall be for section 222 and \$3,000,000 shall be for section 223 of the Higher Education Act: *Provided*, That \$1,000,000 shall be awarded to the Survivors of the Shoah Visual History Foundation to document and archive holocaust survivors' testimony: *Provided further*, That \$1,000,000 shall be for the continued funding of an existing demonstration project making information available for public use by connecting Internet to a multistate consortium: *Provided further*, That \$1,000,000 shall be awarded to the National Museum of Women in the Arts.

#### DEPARTMENTAL MANAGEMENT

##### PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of con-

ference rooms in the District of Columbia and hire of two passenger motor vehicles, \$327,319,000.

#### OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$55,451,000.

#### OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$28,654,000.

#### HEADQUARTERS RENOVATION

For necessary expenses for the renovation of the Department of Education headquarters building, \$7,000,000, to remain available until September 30, 1998.

#### GENERAL PROVISIONS

Schools.  
Busing.  
Desegregation.

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

School prayer.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 304. No funds appropriated under this Act shall be made available for opportunity to learn standards or strategies.

SEC. 305. Notwithstanding any other provision of law, funds available under section 458 of the Higher Education Act shall not exceed \$436,000,000 for fiscal year 1996. The Department of Education shall pay administrative cost allowances owed to guaranty agencies for fiscal year 1995 estimated to be \$95,000,000 and administrative cost allowances owed to guaranty agencies for fiscal year 1996 estimated to be \$81,000,000. The Department of Education shall pay administrative cost allowances to guaranty agencies, to be paid quarterly, calculated on the basis of 0.85 percent of the total principal amount of loans upon which insurance was issued on or after October 1, 1995 by such guaranty agencies.

Receipt of such funds and uses of such funds by guaranty agencies shall be in accordance with section 428(f) of the Higher Education Act.

Notwithstanding section 458 of the Higher Education Act, the Secretary may not use funds available under that section or any other section for subsequent fiscal years for administrative expenses of the William D. Ford Direct Loan Program. The Secretary may not require the return of guaranty agency reserve funds during fiscal year 1996, except after consultation with both the Chairmen and Ranking Members of the House Economic and Educational Opportunities Committee and the Senate Labor and Human Resources Committee. Any reserve funds recovered by the Secretary shall be returned to the Treasury of the United States for purposes of reducing the Federal deficit.

20 USC 1087h  
note.

No funds available to the Secretary may be used for (1) the hiring of advertising agencies or other third parties to provide advertising services for student loan programs, or (2) payment of administrative fees relating to the William D. Ford Direct Loan Program to institutions of higher education.

SEC. 306. (a) From any unobligated funds that are available to the Secretary of Education to carry out sections 5 or 14 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on September 30, 1994)

(1) half of the funds shall be available to the Secretary of Education to carry out subsection (c) of this section; and

(2) half of the funds shall be available to the Secretary of Education to carry out subparagraphs (B), (C), and (D) of section 8007(a)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(a)(2)), as amended by subsection (b) of this section.

(b) Subparagraph (B) of section 8007(a)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(a)(2)) is amended by striking "and in which the agency" and all that follows through "renovation".

(c)(1) The Secretary of Education shall award the funds described in subsection (a)(1) to local educational agencies, under such terms and conditions as the Secretary of Education determines appropriate, for the construction of public elementary or secondary schools on Indian reservations or in school districts that—

(A) the Secretary of Education determines are in dire need of construction funding;

(B) contain a public elementary or secondary school that serves a student population which is 90 percent Indian students; and

(C) serve students who are taught in inadequate or unsafe structures, or in a public elementary or secondary school that has been condemned.

(2) A local educational agency that receives construction funding under this subsection for fiscal year 1996 shall not be eligible to receive any funds under section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) for school construction for fiscal years 1996 and 1997.

(3) As used in this subsection, the term "construction" has the meaning given that term in section 8013(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(3)).

(4) No request for construction funding under this subsection shall be approved unless the request is received by the Secretary

Reports.

of Education not later than 30 days after the date of enactment of this Act.

(d) The Secretary of Education shall report to the House and Senate Appropriations Committees on the total amounts available pursuant to subsections (a)(1) and (a)(2) within 30 days of enactment of this Act.

SEC. 307. None of the funds appropriated in this Act may be obligated or expended to carry out sections 727, 932, and 1002 of the Higher Education Act of 1965, and section 621(b) of Public Law 101-589.

(TRANSFER OF FUNDS)

SEC. 308. Not to exceed 1 percent of any appropriation made available for the current fiscal year for the Department of Education in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfers: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfers.

This title may be cited as the "Department of Education Appropriations Act, 1996".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$55,971,000, of which \$1,954,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Soldiers' and Airmen's Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, \$198,393,000.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1998, \$250,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available

or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

#### FEDERAL MEDIATION AND CONCILIATION SERVICE

##### SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171-180, 182-183), including hire of passenger motor vehicles; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. chapter 71), \$32,896,000 including \$1,500,000, to remain available through September 30, 1997, for activities authorized by the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged for special training activities up to full-cost recovery shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That the Director of the Service is authorized to accept on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

#### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

##### SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), \$6,200,000.

#### NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

##### SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended by Public Law 102-95), \$829,000.

#### NATIONAL COUNCIL ON DISABILITY

##### SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, \$1,793,000.

#### NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, \$1,000,000.

## NATIONAL LABOR RELATIONS BOARD

## SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, \$170,743,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes: *Provided further*, That none of the funds made available by this Act shall be used in any way to promulgate a final rule (altering 29 CFR part 103) regarding single location bargaining units in representation cases.

## NATIONAL MEDIATION BOARD

## SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, \$7,837,000.

## OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

## SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), \$8,100,000.

## PHYSICIAN PAYMENT REVIEW COMMISSION

## SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, \$2,923,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

## PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

## SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, \$3,267,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

## SOCIAL SECURITY ADMINISTRATION

## PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, \$22,641,000.

In addition, to reimburse these trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, \$10,000,000, to remain available until expended.

## SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, \$485,396,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1997, \$170,000,000, to remain available until expended.

## SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$18,545,512,000, to remain available until expended, of which \$1,500,000 shall be for a demonstration program to foster economic independence among people with disabilities through disability sport, in connection with the Tenth Paralympic Games: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

In addition, \$15,000,000, to remain available until September 30, 1997, for continuing disability reviews as authorized by section 103 of Public Law 104-121. The term "continuing disability reviews" has the meaning given such term by section 201(g)(1)(A) of the Social Security Act.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out title XVI of the Social Security Act for the first quarter of fiscal year 1997, \$9,260,000,000, to remain available until expended.

## LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two medium size passenger motor vehicles, and not to exceed \$10,000 for official reception and representation expenses, not more than \$5,267,268,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act or as necessary to carry out sections

9704 and 9706 of the Internal Revenue Code of 1986 from any one or all of the trust funds referred to therein: *Provided*, That reimbursement to the trust funds under this heading for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 shall be made, with interest, not later than September 30, 1997: *Provided further*, That unobligated balances at the end of fiscal year 1996 not needed for fiscal year 1996 shall remain available until expended for a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network.

In addition to funding already available under this heading, and subject to the same terms and conditions, \$387,500,000, for disability caseload processing.

From funds provided under the previous two paragraphs, not less than \$200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, \$60,000,000, to remain available until September 30, 1997, for continuing disability reviews as authorized by section 103 of Public Law 104-121. The term "continuing disability reviews" has the meaning given such term by section 201(g)(1)(A) of the Social Security Act.

In addition to funding already available under this heading, and subject to the same terms and conditions, \$167,000,000, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

#### OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$4,816,000, together with not to exceed \$21,076,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

#### RAILROAD RETIREMENT BOARD

##### DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$239,000,000, which shall include amounts becoming available in fiscal year 1996 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds \$239,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

## FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$300,000, to remain available through September 30, 1997, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

## LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board, \$73,169,000, to be derived from the railroad retirement accounts.

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE  
ADMINISTRATION FUND

For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than \$16,786,000 shall be apportioned for fiscal year 1996 from moneys credited to the railroad unemployment insurance administration fund.

## SPECIAL MANAGEMENT IMPROVEMENT FUND

To effect management improvements, including the reduction of backlogs, accuracy of taxation accounting, and debt collection, \$659,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That these funds shall supplement, not supplant, existing resources devoted to such operations and improvements.

## LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than \$5,673,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

## UNITED STATES INSTITUTE OF PEACE

## OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, \$11,500,000.

## TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 504. The Secretaries of Labor and Education are each authorized to make available not to exceed \$15,000 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$2,500 from funds available for "Salaries and expenses, National Mediation Board".

AIDS.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

Abortion.

SEC. 508. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

SEC. 509. Notwithstanding any other provision of law—

31 USC 1301  
note.

(1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purposes for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this Act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

SEC. 510. LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for the expenses of an electronic benefit transfer (EBT) task force.

SEC. 511. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than \$5,000,000.

SEC. 512. None of the funds made available in this Act may be used for Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 to students attending an institution of higher education that is ineligible to participate in a loan program under such title as a result of a final default rate determination made by the Secretary under the Federal Family Education Loan or Federal Direct Loan program under parts B and D of such title, respectively, and issued by the Secretary on or after February 14, 1996. The preceding sentence shall not apply to an institution that (1) was not participating in either such loan program on such date (or would not have been participating on such date but for the pendency of an appeal of a default rate determination issued prior to such date) unless the institution subsequently participates in either such loan program; or (2) has a participation rate index (as defined at 34 CFR 668.17) that is less than or equal to 0.0375. No institution may be subject to the terms of this section unless it has had the opportunity to appeal its default rate determination under regulations issued by the Secretary for the FFEL and Federal Direct Loan Programs.

SEC. 513. No more than 1 percent of salaries appropriated for each Agency in this Act may be expended by that Agency on cash performance awards: *Provided*, That of the budgetary resources available to Agencies in this Act for salaries and expenses during fiscal year 1996, \$30,500,000, to be allocated by the Office of Management and Budget, are permanently canceled: *Provided further*, That the foregoing proviso shall not apply to the Food and Drug Administration and the Indian Health Service.

SEC. 514. (a) HIGH COST TRAINING EXCEPTION.—Section 428H(d)(2) of the Higher Education Act of 1965 (20 U.S.C. 1078-8(d)(2)) is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following:

“except in cases where the Secretary determines, that a higher amount is warranted in order to carry out the purpose of this part with respect to students engaged in specialized training requiring exceptionally high costs of education, but the annual insurable limit per student shall not be deemed to be exceeded by a line of credit under which actual payments by the lender to the borrower will not be made in any years in excess of the annual limit.”

20 USC 1078-8  
note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective for loans made to cover the cost of instruction for periods of enrollment beginning on or after July 1, 1996.

ESTABLISHMENT OF PROHIBITION AGAINST ABORTION-RELATED  
DISCRIMINATION IN TRAINING AND LICENSING OF PHYSICIANS.

SEC. 515. Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following section:

“ABORTION-RELATED DISCRIMINATION IN GOVERNMENTAL ACTIVITIES  
REGARDING TRAINING AND LICENSING OF PHYSICIANS

42 USC 238n.

“SEC. 245. (a) IN GENERAL.—The Federal Government, and any State or local government that receives Federal financial assistance, may not subject any health care entity to discrimination on the basis that—

“(1) the entity refuses to undergo training in the performance of induced abortions, to require or provide such training, to perform such abortions, or to provide referrals for such training or such abortions;

“(2) the entity refuses to make arrangements for any of the activities specified in paragraph (1); or

“(3) the entity attends (or attended) a post-graduate physician training program, or any other program of training in the health professions, that does not (or did not) perform induced abortions or require, provide or refer for training in the performance of induced abortions, or make arrangements for the provision of such training.

“(b) ACCREDITATION OF POSTGRADUATE PHYSICIAN TRAINING PROGRAMS.—

“(1) IN GENERAL.—In determining whether to grant a legal status to a health care entity (including a license or certificate), or to provide such entity with financial assistance, services or other benefits, the Federal Government, or any State or local government that receives Federal financial assistance, shall deem accredited any postgraduate physician training program that would be accredited but for the accrediting agency's reliance upon an accreditation standards that requires an entity to perform an induced abortion or require, provide, or refer for training in the performance of induced abortions, or make arrangements for such training, regardless of whether such standard provides exceptions or exemptions. The government involved shall formulate such regulations or other mechanisms,

Regulations.

or enter into such agreements with accrediting agencies, as are necessary to comply with this subsection.

“(2) RULES OF CONSTRUCTION.—

“(A) IN GENERAL.—With respect to subclauses (I) and (II) of section 705(a)(2)(B)(i) (relating to a program of insured loans for training in the health professions), the requirements in such subclauses regarding accredited internship or residency programs are subject to paragraph (1) of this subsection.

“(B) EXCEPTIONS.—This section shall not—

“(i) prevent any health care entity from voluntarily electing to be trained, to train, or to arrange for training in the performance of, to perform, or to make referrals for induced abortions; or

“(ii) prevent an accrediting agency or a Federal, State or local government from establishing standards of medical competency applicable only to those individuals who have voluntarily elected to perform abortions.

“(c) DEFINITIONS.—For purposes of this section:

“(1) The term ‘financial assistance’, with respect to a government program, includes governmental payments provided as reimbursement for carrying out health-related activities.

“(2) The term ‘health care entity’ includes an individual physician, a postgraduate physician training program, and a participant in a program of training in the health professions.

“(3) The term ‘postgraduate physician training program’ includes a residency training program.”.

**SEC. 516. SURVEY AND CERTIFICATION OF MEDICARE PROVIDERS.**

(a) INTERVALS BETWEEN STANDARD SURVEYS FOR HOME HEALTH AGENCIES.—Section 1891(c)(2)(A) of the Social Security Act (42 U.S.C. 1395bbb(c)(2)(A)) is amended—

(1) by striking “15 months” and inserting “36 months”, and

(2) by amending the second sentence to read as follows: “The Secretary shall establish a frequency for surveys of home health agencies within this 36-month interval commensurate with the need to assure the delivery of quality home health services.”.

(b) RECOGNITION OF ACCREDITATION.—Section 1865 of such Act (42 U.S.C. 1395bb) is amended—

(1) by redesignating subsection (b) as subsection (d),

(2) by redesignating the fourth sentence of subsection (a) as subsection (c), and

(3) by striking the third sentence of subsection (a) and inserting after and below the second sentence the following new subsection:

“(b)(1) In addition, if the Secretary finds that accreditation of a provider entity (as defined in paragraph (4)) by the American Osteopathic Association or any other national accreditation body demonstrates that all of the applicable conditions or requirements of this title (other than the requirements of section 1834(j) or the conditions and requirements under section 1881(b)) are met or exceeded—

“(A) in the case of a provider entity not described in paragraph (3)(B), the Secretary shall treat such entity as meeting

those conditions or requirements with respect to which the Secretary made such finding; or

“(B) in the case of a provider entity described in paragraph (3)(B), the Secretary may treat such entity as meeting those conditions or requirements with respect to which the Secretary made such finding.

“(2) In making such a finding, the Secretary shall consider, among other factors with respect to a national accreditation body, its requirements for accreditation, its survey procedures, its ability to provide adequate resources for conducting required surveys and supplying information for use in enforcement activities, its monitoring procedures for provider entities found out of compliance with the conditions or requirements, and its ability to provide the Secretary with necessary data for validation.

Publications.

“(3)(A) Except as provided in subparagraph (B), not later than 60 days after the date of receipt of a written request for a finding under paragraph (1) (with any documentation necessary to make a determination on the request), the Secretary shall publish a notice identifying the national accreditation body making the request, describing the nature of the request, and providing a period of at least 30 days for the public to comment on the request. The Secretary shall approve or deny a request for such a finding, and shall publish notice of such approval or denial, not later than 210 days after the date of receipt of the request (with such documentation). Such an approval shall be effective with respect to accreditation determinations made on or after such effective date (which may not be later than the date of publication of the approval) as the Secretary specifies in the publication notice.

Effective date.

“(B) The 210-day and 60-day deadlines specified in subparagraph (A) shall not apply in the case of any request for a finding with respect to accreditation of a provider entity to which the conditions and requirements of section 1819 and 1861(j) apply.

“(4) For purposes of this section, the term ‘provider entity’ means a provider of services, supplier, facility, clinic, agency, or laboratory.”

(c) AUTHORITY FOR VALIDATION SURVEYS.—

(1) IN GENERAL.—The first sentence of section 1864(c) of such Act (42 U.S.C. 1395aa(c)) is amended by striking “hospitals” and all that follows and inserting “provider entities that, pursuant to subsection (a) or (b)(1) of section 1865, are treated as meeting the conditions or requirements of this title.”

(2) CONFORMING AMENDMENTS.—Section 1865 of such Act, as amended by subsection (b), is further amended—

(A) in subsection (d), as redesignated by subsection

(b)(1)—

(i) by striking “a hospital” and inserting “a provider entity”,

(ii) by striking “the hospital” each place it appears and inserting “the entity”, and

(iii) by striking “the requirements of the numbered paragraphs of section 1861(e)” and inserting “the conditions or requirements the entity has been treated as meeting pursuant to subsection (a) or (b)(1)”; and

(B) by adding at the end the following new subsection:

“(e) For provisions relating to validation surveys of entities that are treated as meeting applicable conditions or requirements of this title pursuant to subsection (a) or (b)(1), see section 1864(c).”

## (d) STUDY AND REPORT ON DEEMING FOR NURSING FACILITIES AND RENAL DIALYSIS FACILITIES.—

(1) STUDY.—The Secretary of Health and Human Services shall provide for—

(A) a study concerning the effectiveness and appropriateness of the current mechanisms for surveying and certifying skilled nursing facilities for compliance with the conditions and requirements of sections 1819 and 1861(j) of the Social Security Act and nursing facilities for compliance with the conditions of section 1919 of such Act, and

(B) a study concerning the effectiveness and appropriateness of the current mechanisms for surveying and certifying renal dialysis facilities for compliance with the conditions and requirements of section 1881(b) of the Social Security Act.

(2) REPORT. Not later than July 1, 1997, the Secretary shall transmit to Congress a report on each of the studies provided for under paragraph (1). The report on the study under paragraph (1)(A) shall include (and the report on the study under paragraph (1)(B) may include) a specific framework, where appropriate, for implementing a process under which facilities covered under the respective study may be deemed to meet applicable medicare conditions and requirements if they are accredited by a national accreditation body.

SEC. 517. The Secretary of Health and Human Services shall grant a waiver of the requirements set forth in section 1903(m)(2)(A)(ii) of the Social Security Act to D.C. Chartered Health Plan, Inc. of the District of Columbia: *Provided*, That such waiver shall be deemed to have been in place for all contract periods from October 1, 1991 through the current contract period or October 1, 1999, whichever shall be later.

SEC. 518. Section 119 of Public Law 104-99 is hereby repealed.

20 USC 1070a  
note.

## OPTIONAL, ALTERNATIVE MEDICAID PAYMENT METHOD

SEC. 519. (a) ELECTION.—A heavily impacted high-DSH State (as defined in subsection (d)) may elect to receive payments for expenditures under title XIX of the Social Security Act for the period beginning October 1, 1995, and ending June 30, 1996 (in this section referred to as the “9-month period”), for State fiscal year 1996-1997, and (subject to subsection (c)(4)) for State fiscal year 1997-1998 in accordance with the alternative payment method specified in subsection (b) rather than in accordance with section 1903(a) of such Act.

## (b) ALTERNATIVE PAYMENT METHOD.—

(1) IN GENERAL.—Under the alternative payment method specified in this subsection—

(A) any percentage otherwise specified in section 1903(a) of the Social Security Act for expenditures in the 9-month period or a State fiscal year for which the election is in effect shall be equal to 100 percent minus the non-Federal participation percentage (specified under paragraph (2)) for the State for that period or State fiscal year, and

(B) the total payment for the 9-month period or a State fiscal year in which the election is in effect may not exceed the maximum Federal financial participation specified in paragraph (5) for the period or year.

In applying subparagraph (B), there shall not be counted as payments for any period or fiscal year any payment that is attributable to an expenditure which is exempt under subsection (c)(1). In applying such subparagraph to the 9-month period, there shall be counted payments (other than those described in the previous sentence) that are attributable to an expenditure for periods occurring in the 9-month period and before the date of the enactment of this Act.

(2) NON-FEDERAL PARTICIPATION PERCENTAGE.—For purposes of paragraph (1), the “non-Federal participation percentage” for a State for the 9-month period or State fiscal year is equal to the ratio of—

(A) the State’s base State expenditures (as defined in paragraph (3)) plus the applicable percentage (as defined in paragraph (4)) of the difference between the amount of such expenditures and the amount of the State expenditures that would be required for the State to qualify for the maximum Federal financial participation specified in paragraph (5) under title XIX of the Social Security Act if this section did not apply for such period or State fiscal year; to

(B) the total expenditures under the State plan of the State under such title for such period or State fiscal year.

Such ratio shall be calculated as if total expenditures under the State plan were no greater than necessary for the State to receive the maximum Federal financial participation specified in paragraph (5).

(3) BASE STATE EXPENDITURES.—For purposes of this subsection, the term “base State expenditures” means—

(A) for the 9-month period, \$266,250,000, or

(B) for State fiscal year 1996–1997, \$355,000,000, or

(C) for State fiscal year 1997–1998, \$355,000,000.

(4) APPLICABLE PERCENTAGE.—For purposes of this subsection, the “applicable percentage”—

(A) for the 9-month period is 20 percent,

(B) for State fiscal year 1996–1997 is 35 percent, and

(C) for State fiscal year 1997–1998 is 55 percent.

(5) MAXIMUM FEDERAL PARTICIPATION.—For purposes of this section, the maximum Federal financial participation specified in this paragraph for a State—

(A) for the 9-month period, is \$1,966,500,000

(B) for State fiscal year 1996–1997 is \$2,622,000,000, and

(C) for State fiscal year 1997–1998 is \$2,622,000,000.

(c) ADDITIONAL RULES.—

(1) LIMITING APPLICATION TO EXPENDITURES FOR PERIODS IN WHICH ELECTION IN EFFECT.—This section (and the maximum Federal financial participation specified in subsection (b)(5)) shall not apply to any expenditure that is applicable to a reporting period that is not covered under an election under subsection (a), including any expenditure applicable to any reporting period before October 1, 1995.

(2) ELECTION PROCESS.—An election of a State under subsection (a) shall be made, by notice from the Governor of the State to the Secretary of Health and Human Services,

not later than 30 days after the date of the enactment of this Act.

(3) LIMITATION.—For any period (on or after the date of an election under this section) in which an election is in effect for a State under this section—

(A) the Federal Government has no obligation to provide payment with respect to items and services provided under title XIX of the Social Security Act in excess of the maximum Federal financial participation specified in subsection (b)(5) and such title shall not be construed as providing for an entitlement, under Federal law in relation to the Federal Government, in an individual or person (including any provider) at the time of provision or receipt of services; and

(B) the State shall provide an entitlement to any person to receive any service or other benefit to the extent that such person would, but for this paragraph, be entitled to such service or other benefit under such title.

(4) CONDITION FOR STATE FISCAL YEAR 1997-1998.—This section shall not apply to State fiscal year 1997-1998 except to the extent provided for in a subsequent appropriation Act.

(d) DEFINITION.—For purposes of this section, the term “heavily impacted high-DSH State” means the State of Louisiana.

(e) STATE FISCAL YEARS DEFINED.—For purposes of this section—

(1) the term “State fiscal year 1996-1997” means the period beginning July 1, 1996, and ending June 30, 1997, and

(2) the term “State fiscal year 1997-1998” means the period beginning July 1, 1997, and ending June 30, 1998.

SEC. 520. (a) Congress finds that—

(1) the practice of female genital mutilation is carried out by members of certain cultural and religious groups within the United States; and

(2) the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved.

(b) The Secretary of Health and Human Services shall do the following:

(1) Compile data on the number of females living in the United States who have been subjected to female genital mutilation (whether in the United States or in their countries of origin), including a specification of the number of girls under the age of 18 who have been subjected to such mutilation.

(2) Identify communities in the United States that practice female genital mutilation, and design and carry out outreach activities to educate individuals in the communities on the physical and psychological health effects of such practice. Such outreach activities shall be designed and implemented in collaboration with representatives of the ethnic groups practicing such mutilation and with representatives of organizations with expertise in preventing such practice.

(3) Develop recommendations for the education of students of schools of medicine and osteopathic medicine regarding female genital mutilation and complications arising from such mutilation. Such recommendations shall be disseminated to such schools.

Female genital  
mutilation.  
42 USC 241 note.

(c) For purposes of this section the term “female genital mutilation” means the removal or infibulation (or both) of the whole or part of the clitoris, the labia minor, or the labia major.

Effective date.

(d) The Secretary of Health and Human Services shall commence carrying out this section not later than 90 days after the date of enactment of this Act.

## TITLE VI—ADDITIONAL APPROPRIATIONS

SEC. 601. In addition to amounts otherwise provided in this Act, the following amounts are hereby appropriated as specified for the following appropriation accounts: Health Care Financing Administration, “Program Management”, \$396,000,000; and Office of the Secretary, “Office of Inspector General”, \$22,330,000, together with not to exceed \$20,670,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund

SEC. 602. Appropriations and funds made available pursuant to section 601 of this Act shall be available until enactment into law of a subsequent appropriation for fiscal year 1996 for any project or activity provided for in section 601.

## TITLE VII—AMENDMENTS TO THE GOALS 2000: EDUCATE AMERICA ACT

### SEC. 701. ELIMINATION OF THE NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL AND OPPORTUNITY-TO-LEARN STANDARDS.

The Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.) is amended—

- (1) by repealing part B of title II (20 U.S.C. 5841 et seq.);
- (2) by redesignating parts C and D of title II (20 U.S.C. 5861 et seq. and 5871 et seq.) as parts B and C, respectively, of title II; and

- (3) in section 241 (20 U.S.C. 5871)—

(A) in subsection (a), by striking “(a) NATIONAL EDUCATION GOALS PANEL.—”; and

(B) by striking subsections (b) through (d).

### SEC. 702. STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT.

(a) PANEL COMPOSITION; OPPORTUNITY-TO-LEARN STANDARDS; AND SUBMISSION OF PLAN TO THE SECRETARY FOR APPROVAL.—

(1) STATE IMPROVEMENT PLAN.—Section 306 of the Goals 2000: Educate America Act (20 U.S.C. 5886) is amended—

(A) by amending subsection (b) to read as follows: “(b) PLAN DEVELOPMENT.—A State improvement plan under this title shall be developed by a broad-based State panel in cooperation with the State educational agency and the Governor.”;

(B) by striking subsection (d).

(b) LOCAL PANEL COMPOSITION.—Section 309(a)(3)(A) of such Act (20 U.S.C. 5889(a)(3)(A)) is amended—

(1) in the matter preceding clause (i), by striking “that—” and inserting a semicolon; and

(2) by striking clauses (i) and (ii).

**SEC. 703. TECHNICAL AND CONFORMING AMENDMENTS.****(a) GOALS 2000: EDUCATE AMERICA ACT.—**

(1) The table of contents for the Goals 2000: Educate America Act is amended, in the items relating to title II—

(A) by striking the items relating to part B;

(B) by striking “PART C” and inserting “PART B”; and

(C) by striking “PART D” and inserting “PART C”.

(2) Section 2 of such Act (20 U.S.C. 5801) is amended—

(A) in paragraph (4)—

(i) in subparagraph (B), by inserting “and” after the semicolon;

(ii) by striking subparagraph (C); and

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(B) in paragraph (6)—

(i) by striking subparagraph (C); and

(ii) by redesignating subparagraphs (D) through (F) as subparagraphs (C) through (E), respectively.

(3) Section 3(a) of such Act (20 U.S.C. 5802) is amended—

(A) by striking paragraph (7); and

(B) by redesignating paragraphs (8) through (14) as paragraphs (7) through (13), respectively.

(4) Section 201(3) of such Act (20 U.S.C. 5821(3)) is amended by striking “, voluntary national student performance” and all that follows through “such Council” and inserting “and voluntary national student performance standards”.

(5) Section 202(j) of such Act (20 U.S.C. 5822(j)) is amended by striking “, student performance, or opportunity-to-learn” and inserting “or student performance”.

(6) Section 203 of such Act (20 U.S.C. 5823) is amended—

(A) in subsection (a)—

(i) by striking paragraphs (2) and (3);

(ii) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively; and

(iii) by amending paragraph (2) (as redesignated by clause (ii)) to read as follows:

“(2) review voluntary national content standards and voluntary national student performance standards;” and

(B) in subsection (b)(1)—

(i) in subparagraph (A), by inserting “and” after the semicolon;

(ii) in subparagraph (B), by striking “; and” and inserting a period; and

(iii) by striking subparagraph (C).

(7) Section 204(a)(2) of such Act (20 U.S.C. 5824(a)(2)) is amended—

(A) by striking “voluntary national opportunity-to-learn standards;” and

(B) by striking “described in section 213(f)”.

(8) Section 304(a)(2) of such Act (20 U.S.C. 5884(a)(2)) is amended—

(A) in subparagraph (A), by adding “and” after the semicolon;

(B) in subparagraph (B), by striking “; and” and inserting a period; and

(C) by striking subparagraph (C).

(9) Section 306(o) of such Act (20 U.S.C. 5886(o)) is amended by striking "State opportunity-to-learn standards or strategies,".

(10) Section 308 of such Act (20 U.S.C. 5888) is amended—  
(A) in subsection (b)(2)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking "State opportunity-to-learn standards,"; and

(ii) in subparagraph (A), by striking "including—" and all that follows through "part B of title II," and inserting "including through consortia of States,"; and

(B) in subsection (c), by striking "306(b)(1)" and inserting "306(b)".

(11) For the purpose of expanding the use and availability of computers and computer technology, section 309(a)(6)(A)(ii) of such Act (20 U.S.C. 5889(a)(6)(A)(ii)) is amended by inserting after "new public schools" the following "and the acquisition of technology and use of technology-enhanced curricula and instruction"

(12) Section 312(b) of such Act (20 U.S.C. 5892(b)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(13) Section 314(a)(6)(A) of such Act (20 U.S.C. 5894(a)(6)(A)) is amended by striking "certified by the National Education Standards and Improvement Council and".

(14) Section 315 of such Act (20 U.S.C. 5895) is amended—  
(A) in subsection (b)—

(i) in paragraph (1)(C), by striking ", including the requirements for timetables for opportunity-to-learn standards,";

(ii) by striking paragraph (2);

(iii) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(iv) in paragraph (1)(A), by striking "paragraph (4) of this subsection" and inserting "paragraph (3)";

(v) in paragraph (2) (as redesignated by clause (iii))—

(I) by striking subparagraph (A);

(II) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(III) in subparagraph (A) (as redesignated by subclause (II)) by striking "voluntary natural student performance standards, and voluntary natural opportunity-to-learn standards developed under part B of title II of this Act" and inserting "and voluntary national student performance standards";

(vi) in subparagraph (B) of paragraph (3) (as redesignated by clause (iii)), by striking "paragraph (5)," and inserting "paragraph (4),"; and

(vii) in paragraph (4) (as redesignated by clause (ii)), by striking "paragraph (4)" each place it appears and inserting "paragraph (3)";

(B) in the matter preceding subparagraph (A) of subsection (c)(2)—

(i) by striking “subsection (b)(4)” and inserting “subsection (b)(3)”; and

(ii) by striking “and to provide a framework for the implementation of opportunity-to-learn standards or strategies”; and

(C) in subsection (f), by striking “subsection (b)(4)” each place it appears and inserting “subsection (b)(3)”.  
(15)(A) Section 316 of such Act (20 U.S.C. 5896) is repealed.

(B) The table of contents for such Act is amended by striking the item relating to section 316.

(16) Section 317 of such Act (20 U.S.C. 5897) is amended—

(A) in subsection (d)(4), by striking “promote the standards and strategies described in section 306(d);”; and

(B) in subsection (e)—

(i) in paragraph (2), by inserting “and” after the semicolon;

(ii) by striking paragraph (3); and

(iii) by redesignating paragraph (4) as paragraph (3).

(17) Section 503 of such Act (20 U.S.C. 5933) is amended—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking “28” and inserting “27”;

(II) by striking subparagraph (D); and

(III) by redesignating subparagraphs (E) through (G) as subparagraphs (D) through (F), respectively;

(ii) in paragraphs (2), (3), and (5), by striking “subparagraphs (E), (F), and (G)” each place it appears and inserting “subparagraphs (D), (E), and (F)”;  
(iii) in paragraph (2), by striking “subparagraph (G)” and inserting “subparagraph (F)”;  
(iv) in paragraph (4), by striking “(C), and (D)” and inserting “and (C)”; and  
(v) in the matter preceding subparagraph (A) of paragraph (5), by striking “subparagraph (E), (F), or (G)” and inserting “subparagraph (D), (E), or (F)”; and  
(B) in subsection (e)—

(i) in paragraph (1)(B), by striking “subparagraph (E)” and inserting “subparagraph (D)”; and

(ii) in paragraph (2), by striking “subparagraphs (E), (F), and (G)” and inserting “subparagraphs (D), (E), and (F)”.

(18) Section 504 of such Act (20 U.S.C. 5934) is amended—

(A) by striking subsection (f); and

(B) by redesignating subsection (g) as subsection (f).

(b) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(1) Section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) is amended—

(A) in subsection (b)(8)(B), by striking “(which may include opportunity-to-learn standards or strategies developed under the Goals 2000: Educate America Act)”;  
(B) in subsection (f), by striking “opportunity-to-learn standards or strategies,”;

(9) Section 306(o) of such Act (20 U.S.C. 5886(o)) is amended by striking "State opportunity-to-learn standards or strategies,".

(10) Section 308 of such Act (20 U.S.C. 5888) is amended—  
(A) in subsection (b)(2)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking "State opportunity-to-learn standards,"; and

(ii) in subparagraph (A), by striking "including—" and all that follows through "part B of title II," and inserting "including through consortia of States"; and

(B) in subsection (c), by striking "306(b)(1)" and inserting "306(b)".

(11) For the purpose of expanding the use and availability of computers and computer technology, section 309(a)(6)(A)(ii) of such Act (20 U.S.C. 5889(a)(6)(A)(ii)) is amended by inserting after "new public schools" the following "and the acquisition of technology and use of technology-enhanced curricula and instruction".

(12) Section 312(b) of such Act (20 U.S.C. 5892(b)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(13) Section 314(a)(6)(A) of such Act (20 U.S.C. 5894(a)(6)(A)) is amended by striking "certified by the National Education Standards and Improvement Council and".

(14) Section 315 of such Act (20 U.S.C. 5895) is amended—

(A) in subsection (b)—

(i) in paragraph (1)(C), by striking ", including the requirements for timetables for opportunity-to-learn standards,";

(ii) by striking paragraph (2);

(iii) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(iv) in paragraph (1)(A), by striking "paragraph (4) of this subsection" and inserting "paragraph (3)";

(v) in paragraph (2) (as redesignated by clause (iii))—

(I) by striking subparagraph (A);

(II) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(III) in subparagraph (A) (as redesignated by subclause (II)) by striking ", voluntary natural student performance standards, and voluntary natural opportunity-to-learn standards developed under part B of title II of this Act" and inserting "and voluntary national student performance standards";

(vi) in subparagraph (B) of paragraph (3) (as redesignated by clause (iii)), by striking "paragraph (5)," and inserting "paragraph (4)," and

(vii) in paragraph (4) (as redesignated by clause (ii)), by striking "paragraph (4)" each place it appears and inserting "paragraph (3)";

- (B) in the matter preceding subparagraph (A) of subsection (c)(2)—
- (i) by striking “subsection (b)(4)” and inserting “subsection (b)(3)”; and
  - (ii) by striking “and to provide a framework for the implementation of opportunity-to-learn standards or strategies”; and
- (C) in subsection (f), by striking “subsection (b)(4)” each place it appears and inserting “subsection (b)(3)”.  
 (15)(A) Section 316 of such Act (20 U.S.C. 5896) is repealed.  
 (B) The table of contents for such Act is amended by striking the item relating to section 316.  
 (16) Section 317 of such Act (20 U.S.C. 5897) is amended—
- (A) in subsection (d)(4), by striking “promote the standards and strategies described in section 306(d),”; and
  - (B) in subsection (e)—
    - (i) in paragraph (2), by inserting “and” after the semicolon;
    - (ii) by striking paragraph (3); and
    - (iii) by redesignating paragraph (4) as paragraph (3).
- (17) Section 503 of such Act (20 U.S.C. 5933) is amended—
- (A) in subsection (b)—
    - (i) in paragraph (1)—
      - (I) in the matter preceding subparagraph (A), by striking “28” and inserting “27”;
      - (II) by striking subparagraph (D); and
      - (III) by redesignating subparagraphs (E) through (G) as subparagraphs (D) through (F), respectively;
    - (ii) in paragraphs (2), (3), and (5), by striking “subparagraphs (E), (F), and (G)” each place it appears and inserting “subparagraphs (D), (E), and (F)”; and
    - (iii) in paragraph (2), by striking “subparagraph (G)” and inserting “subparagraph (F)”; and
    - (iv) in paragraph (4), by striking “(C), and (D)” and inserting “and (C)”; and
    - (v) in the matter preceding subparagraph (A) of paragraph (5), by striking “subparagraph (E), (F), or (G)” and inserting “subparagraph (D), (E), or (F)”; and
  - (B) in subsection (e)—
    - (i) in paragraph (1)(B), by striking “subparagraph (E)” and inserting “subparagraph (D)”; and
    - (ii) in paragraph (2), by striking “subparagraphs (E), (F), and (G)” and inserting “subparagraphs (D), (E), and (F)”.
- (18) Section 504 of such Act (20 U.S.C. 5934) is amended—
- (A) by striking subsection (f); and
  - (B) by redesignating subsection (g) as subsection (f).
- (b) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—
- (1) Section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) is amended—
    - (A) in subsection (b)(8)(B), by striking “(which may include opportunity-to-learn standards or strategies developed under the Goals 2000: Educate America Act)”; and
    - (B) in subsection (f), by striking “opportunity-to-learn standards or strategies,”;

- (C) by striking subsection (g); and
- (D) by redesignating subsection (h) as subsection (g).
- (2) Section 1116 of such Act (20 U.S.C. 6317) is amended—
  - (A) in subsection (c)—
    - (i) in paragraph (2)(A)(i), by striking all beginning with “, which may” through “Act”; and
    - (ii) in paragraph (5)(B)(i)—
      - (I) in subclause (VI), by inserting “and” after the semicolon;
      - (II) in subclause (VII), by striking “; and” and inserting a period; and
      - (III) by striking subclause (VIII); and
  - (B) in subsection (d)—
    - (i) in paragraph (4)(B), by striking all beginning with “, and may” through “Act”; and
    - (ii) in paragraph (6)(B)(i)—
      - (I) by striking subclause (IV); and
      - (II) by redesignating subclauses (V) through (VIII) as subclauses (IV) through (VII), respectively.
- (3) Section 1501(a)(2)(B) of such Act (20 U.S.C. 6491(a)(2)(B)) is amended—
  - (A) by striking clause (v); and
  - (B) by redesignating clauses (vi) through (x) as clauses (v) through (ix), respectively.
- (4) Section 10101(b)(1)(A)(i) of such Act (20 U.S.C. 8001(b)(1)(A)(i)) is amended by striking “and opportunity-to-learn standards or strategies for student learning”.
- (5) Section 14701(b)(1)(B)(v) of such Act (20 U.S.C. 8941(b)(1)(B)(v)) is amended by striking “the National Education Goals Panel,” and all that follows through “assessments” and inserting “and the National Education Goals Panel”.
- (c) GENERAL EDUCATION PROVISIONS ACT.—Section 428 of the General Education Provisions Act (20 U.S.C. 1228b), as amended by section 237 of the Improving America’s Schools Act of 1994 (Public Law 103-382), is amended by striking “the National Education Standards and Improvement Council,”.
- (d) EDUCATION AMENDMENTS OF 1978.—Section 1121(b) of the Education Amendments of 1978 (25 U.S.C. 2001(b)), as amended by section 381 of the Improving America’s Schools Act of 1994 (Public Law 103-382), is amended by striking “213(a)” and inserting “203(a)(2)”.

#### SEC. 704. DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES.

Section 304 of the Goals 2000: Educate America Act (20 U.S.C. 5884) is amended by adding at the end the following new subsection:

“(e) DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—Notwithstanding subsection (c), if a State educational agency was not participating in the program under this section as of October 20, 1995, and the State educational agency approves, the Secretary shall use all or a portion of the allotment that the State would have received under this section for a fiscal year to award grants to local educational agencies in the State that have approved applications under paragraph (2) for such fiscal year.

“(2) APPLICATION.—Any local educational agency that desires to receive a grant under this subsection shall submit

an application to the Secretary that is consistent with the provisions of this Act and shall notify the State educational agency of such application in accordance with paragraph (1). The Secretary may establish a deadline for the submission of such applications.

“(3) AWARD BASIS.—The Secretary may use the student enrollment of a local educational agency or other factors as a basis for awarding grants under this subsection.”

**SEC. 705. ALTERNATIVE TO SECRETARIAL APPROVAL OF STATE PLANS.**

(a) STATE IMPROVEMENT PLANS.—Section 306(n) of the Goals 2000: Educate America Act (20 U.S.C. 5886(n)) is amended by adding at the end the following new paragraph:

“(4) ALTERNATIVE SUBMISSION.—

“(A) IN GENERAL.—Notwithstanding any other provision of this title, any State educational agency that wishes to receive an allotment under this title after the first year such State educational agency receives such an allotment may, in lieu of submitting its State improvement plan for approval by the Secretary under this subsection and section 305(c)(2), or submitting major amendments to the Secretary under subsection (p), provide the Secretary, as part of an application under section 305(c) or as an amendment to a previously approved application—

“(i) an assurance, from the Governor and the chief State school officer of the State, that—

“(I) the State has a plan that meets the requirements of this section and that is widely available throughout the State; and

“(II) any amendments the State makes to the plan will meet the requirements of this section; and

“(ii) the State’s benchmarks of improved student performance and of progress in implementing the plan, and the timelines against which the State’s progress in carrying out the plan can be measured.

“(B) ANNUAL REPORT.—Any State educational agency that chooses to use the alternative method described in paragraph (1) shall annually report to the public summary information on the use of funds under this title by the State and local educational agencies in the State, as well as the State’s progress toward meeting the benchmarks and timelines described in subparagraph (A)(ii).”

(b) STATE APPLICATIONS.—Section 305(c)(2) of such Act (20 U.S.C. 5885(c)(2)) is amended by inserting “except in the case of a State educational agency submitting the information described in section 306(n)(4),” before “include”.

(c) SECRETARY’S REVIEW OF APPLICATIONS.—Section 307(b)(1) of such Act (20 U.S.C. 5887(b)(1)) is amended—

(1) in subparagraph (A), by striking “or” after the semicolon;

(2) in subparagraph (B), by striking “and” after the semicolon and inserting “or”; and

(3) by adding at the end the following new subparagraph:

“(C) the State educational agency has submitted the information described in section 306(n)(4); and”.

(d) **PROGRESS REPORTS.**—The matter preceding paragraph (1) of section 312(a) of such Act (20 U.S.C. 5892(a)) is amended by striking “Each” and inserting “Except in the case of a State educational agency submitting the information described in section 306(n)(4), each”.

#### **SEC. 706. LIMITATIONS.**

Title III of the Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.) is further amended by adding at the end the following new section:

20 USC 5900.

#### **“SEC. 320. LIMITATIONS.**

“(a) **PROHIBITED CONDITIONS.**—Nothing in this Act shall be construed to require a State, a local educational agency, or a school, as a condition of receiving assistance under this title—

“(1) to provide outcomes-based education; or

“(2) to provide school-based health clinics or any other health or social service.

“(b) **LIMITATION ON GOVERNMENT OFFICIALS.**—Nothing in this Act shall be construed to require or permit any Federal or State official to inspect a home, judge how parents raise their children, or remove children from their parents, as a result of the participation of a State, local educational agency, or school in any program or activity carried out under this Act.”.

This Act may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996”.

(e) For programs, projects or activities in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

#### **AN ACT**

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes.

#### **TITLE I**

### **DEPARTMENT OF VETERANS AFFAIRS**

#### **VETERANS BENEFITS ADMINISTRATION**

#### **COMPENSATION AND PENSIONS**

#### **(INCLUDING TRANSFER OF FUNDS)**

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as

Departments of  
Veterans Affairs  
and Housing and  
Urban  
Development,  
and Independent  
Agencies  
Appropriations  
Act, 1996.

authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540-548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198); \$18,331,561,000, to remain available until expended: *Provided*, That not to exceed \$25,180,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized by the Veterans' Benefits Act of 1992 (38 U.S.C. chapter 55): *Provided further*, That \$12,000,000 previously transferred from "Compensation and pensions" to "Medical facilities revolving fund" shall be transferred to this heading.

#### READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), \$1,345,300,000, to remain available until expended: *Provided*, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98-77, as amended.

#### VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487), \$24,890,000, to remain available until expended.

#### GUARANTY AND INDEMNITY PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$65,226,000, which may be transferred to and merged with the appropriation for "General operating expenses".

#### LOAN GUARANTY PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be

as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$52,138,000, which may be transferred to and merged with the appropriation for "General operating expenses".

DIRECT LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during 1996, within the resources available, not to exceed \$300,000 in gross obligations for direct loans are authorized for specially adapted housing loans (38 U.S.C. chapter 37).

In addition, for administrative expenses to carry out the direct loan program, \$459,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$1,000, as authorized by 38 U.S.C. 3698, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$4,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$195,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$54,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$1,964,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$377,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as

amended, \$205,000, which may be transferred to and merged with the appropriation for "General operating expenses".

#### VETERANS HEALTH ADMINISTRATION

##### MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in Department of Veterans Affairs facilities; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department of Veterans Affairs, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); aid to State homes as authorized by law (38 U.S.C. 1741); and not to exceed \$8,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5); \$16,564,000,000, plus reimbursements: *Provided*, That of the funds made available under this heading, \$789,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 1996, and shall remain available for obligation until September 30, 1997.

##### MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by law (38 U.S.C. chapter 73), to remain available until September 30, 1997, \$257,000,000, plus reimbursements.

##### MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of planning, design, project management, architectural, engineering, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs, including site acquisition; engineering and architectural activities not charged to project cost; and research and development in building construction technology; \$63,602,000, plus reimbursements.

## TRANSITIONAL HOUSING LOAN PROGRAM

## (INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$7,000, as authorized by Public Law 102-54, section 8, which shall be transferred from the "General post fund": *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$70,000. In addition, for administrative expenses to carry out the direct loan program, \$54,000, which shall be transferred from the "General post fund", as authorized by Public Law 102-54, section 8.

## DEPARTMENTAL ADMINISTRATION

## GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; \$848,143,000: *Provided*, That of the amount appropriated and any other funds made available from any other source for activities funded under this heading, except reimbursements, not to exceed \$214,109,000 shall be available for General Administration; including not to exceed (1) \$3,206,000 for personnel compensation and benefits and \$50,000 for travel in the Office of the Secretary, (2) \$75,000 for travel in the Office of the Assistant Secretary for Policy and Planning, (3) \$33,000 for travel in the Office of the Assistant Secretary for Congressional Affairs, and (4) \$100,000 for travel in the Office of Assistant Secretary for Public and Intergovernmental Affairs: *Provided further*, That during fiscal year 1996, notwithstanding any other provision of law, the number of individuals employed by the Department of Veterans Affairs (1) in other than "career appointee" positions in the Senior Executive Service shall not exceed 6, and (2) in schedule C positions shall not exceed 11: *Provided further*, That not to exceed \$6,000,000 of the amount appropriated shall be available for administrative expenses to carry out the direct and guaranteed loan programs under the Loan Guaranty Program Account: *Provided further*, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act: *Provided further*, That none of the funds under this heading may be obligated or expended for the acquisition of automated data processing equipment and services for Department of Veterans Affairs regional offices to support Stage III of the automated data equipment modernization program of the Veterans Benefits Administration.

## NATIONAL CEMETERY SYSTEM

For necessary expenses for the maintenance and operation of the National Cemetery System not otherwise provided for, including uniforms or allowances therefor, as authorized by law; cemetery

expenses as authorized by law; purchase of three passenger motor vehicles, for use in cemeterial operations; and hire of passenger motor vehicles, \$72,604,000.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$30,900,000.

#### CONSTRUCTION, MAJOR PROJECTS

##### (INCLUDING TRANSFER OF FUNDS)

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is \$3,000,000 or more or where funds for a project were made available in a previous major project appropriation, \$136,155,000, to remain available until expended: *Provided*, That except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 1996, for each approved project shall be obligated (1) by the awarding of a construction documents contract by September 30, 1996, and (2) by the awarding of a construction contract by September 30, 1997: *Provided further*, That the Secretary shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93-344): *Provided further*, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only: *Provided further*, That of the funds made available under this heading in Public Law 103-327, \$7,000,000 shall be transferred to the "Parking revolving fund".

Reports.

#### CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services

of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, where the estimated cost of a project is less than \$3,000,000, \$190,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than \$3,000,000: *Provided*, That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

#### PARKING REVOLVING FUND

For the parking revolving fund as authorized by law (38 U.S.C. 8109), income from fees collected, to remain available until expended. Resources of this fund shall be available for all expenses authorized by 38 U.S.C. 8109 except operations and maintenance costs which will be funded from "Medical care".

#### GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by law (38 U.S.C. 8131-8137), \$47,397,000, to remain available until expended.

#### GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by law (38 U.S.C. 2408), \$1,000,000, to remain available until September 30, 1998.

#### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for 1996 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for 1996 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 103. No part of the appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to

veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 1996 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 1995.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 1996 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100-86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, the Secretary of Veterans Affairs is authorized to transfer, without compensation or reimbursement, the jurisdiction and control of a parcel of land consisting of approximately 6.3 acres, located on the south edge of the Department of Veterans Affairs Medical and Regional Office Center, Wichita, Kansas, including buildings Nos. 8 and 30 and other improvements thereon, to the Secretary of Transportation for the purpose of expanding and modernizing United States Highway 54: *Provided*, That if necessary, the exact acreage and legal description of the real property transferred shall be determined by a survey satisfactory to the Secretary of Veterans Affairs and the Secretary of Transportation shall bear the cost of such survey: *Provided further*, That the Secretary of Transportation shall be responsible for all costs associated with the transferred land and improvements thereon, and compliance with all existing statutes and regulations: *Provided further*, That the Secretary of Veterans Affairs and the Secretary of Transportation may require such additional terms and conditions as each Secretary considers appropriate to effectuate this transfer of land.

SEC. 108. CONSTRUCTION AUTHORIZATION—Authorization of major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1996.

(a) AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount authorized for that project:

(1) Construction of an outpatient clinic in Brevard County, Florida, in the amount of \$25,000,000.

(2) Construction of an outpatient clinic at Travis Air Force Base in Fairfield, California, in the amount of \$25,000,000.

(3) Construction of an ambulatory care addition at the Department of Veterans Affairs medical center in Boston, Massachusetts in the amount of \$28,000,000.

(4) Construction of a medical research addition at the Department of Veterans Affairs medical center in Portland, Oregon, an additional authorization in the amount of \$16,000,000, for a total amount of \$32,100,000.

(b) AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES—The Secretary of Veterans Affairs may enter into leases for medical facilities as follows:

(1) Lease of a satellite outpatient clinic in Fort Myers, Florida, in the amount of \$1,736,000.

(2) Lease of a National Footwear Center in New York, New York, in the amount of \$1,054,000.

(c) AUTHORIZATION OF APPROPRIATIONS—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1996—

(1) \$94,000,000 for the major medical facility projects authorized in subsection (a); and

(2) \$2,790,000 for the major medical facility leases authorized in subsection (b).

(d) LIMITATION—The projects authorized in subsection (a) may only be carried out using—

(1) funds appropriated for fiscal year 1996 and subsequent fiscal years pursuant to the authorization of appropriations in subsection (c).

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1996 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1996 for a category of activity not specific to a project.

(e) LIMITATION CONCERNING OUTPATIENT CLINIC PROJECTS—In the case of either of the projects for a new outpatient clinic authorized in paragraphs (1) and (2) of subsection (a)—

Certification.

(1) the Secretary of Veterans Affairs may not obligate any funds for that project until the Secretary determines, and certifies to the Committees on Veterans' Affairs of the Senate and House of Representatives, the amount required for the project; and

(2) the amount obligated for the project may not exceed the amount certified under paragraph (1) with respect to that project.

Federal buildings  
and facilities.  
Washington.

SEC. 109. (a) DESIGNATION.—The Walla Walla Veterans Medical Center located at 77 Wainwright Drive, Walla Walla, Washington, shall be known and designated as the "Jonathan M. Wainwright Memorial VA Medical Center".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Walla Walla Veterans Medical Center referred to in subsection (a) shall be deemed to be a reference to the "Jonathan M. Wainwright Memorial VA Medical Center".

## TITLE II

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### HOUSING PROGRAMS

##### ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, \$9,818,795,000 to remain available until expended: *Provided*, That of the total amount provided under this head, \$160,000,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb): *Provided further*, That of the total amount provided under this head, \$2,500,000,000 shall

be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l), including up to \$20,000,000 for the inspection of public housing units, contract expertise, and training and technical assistance, directly or indirectly, under grants, contracts, or cooperative agreements, to assist in the oversight and management of public and Indian housing (whether or not the housing is being modernized with assistance under this proviso) or tenant-based assistance, including, but not limited to, an annual resident survey, data collection and analysis, training and technical assistance by or to officials and employees of the Department and of public housing agencies and to residents in connection with the public and Indian housing program, or for carrying out activities under section 6(j) of the Act: *Provided further*, That of the total amount provided under this head, \$400,000,000 shall be for rental subsidy contracts under the section 8 existing housing certificate program and the housing voucher program under section 8 of the Act, except that such amounts shall be used only for units necessary to provide housing assistance for residents to be relocated from existing federally subsidized or assisted housing, for replacement housing for units demolished or disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements, for the conversion of section 23 projects to assistance under section 8, for public housing agencies to implement allocation plans approved by the Secretary for designated housing, for funds to carry out the family unification program, and for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency: *Provided further*, That of the total amount provided under this head, \$4,007,862,000 shall be for assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) for use in connection with expiring or terminating section 8 subsidy contracts, such amounts shall be merged with all remaining obligated and unobligated balances heretofore appropriated under the heading "Renewal of expiring section 8 subsidy contracts": *Provided further*, That notwithstanding any other provision of law, assistance reserved under the two preceding provisos may be used in connection with any provision of Federal law enacted in this Act or after the enactment of this Act that authorizes the use of rental assistance amounts in connection with such terminated or expired contracts: *Provided further*, That the Secretary may determine not to apply section 8(o)(6)(B) of the Act to housing vouchers during fiscal year 1996: *Provided further*, That of the total amount provided under this head, \$610,575,000 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended; and \$192,000,000 shall be for section 8 assistance and rehabilitation grants for property disposition: *Provided further*, That 50 per centum of the amounts of budget authority, or in lieu thereof 50 per centum of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628, 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted

to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section: *Provided further*, That of the total amount provided under this head, \$171,000,000 shall be for housing opportunities for persons with AIDS under title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act; and \$65,000,000 shall be for the lead-based paint hazard reduction program as authorized under sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992: *Provided further*, That the Secretary may make up to \$5,000,000 of any amount recaptured in this account available for the development of performance and financial systems.

12 USC 4101  
note.

Of the total amount provided under this head, \$624,000,000, plus amounts recaptured from interest reduction payment contracts for section 236 projects whose owners prepay their mortgages during fiscal year 1996 (which amounts shall be transferred and merged with this account), shall be for use in conjunction with properties that are eligible for assistance under the Low Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRA) or the Emergency Low-Income Housing Preservation Act of 1987 (ELIHPA): *Provided*, That prior to August 15, 1996, funding to carry out plans of action shall be limited to sales of projects to non-profit organizations, tenant-sponsored organizations, and other priority purchasers: *Provided further*, That of the amount made available by this paragraph, up to \$10,000,000 shall be available for preservation technical assistance grants pursuant to section 253 of the Housing and Community Development Act of 1987, as amended: *Provided further*, That with respect to amounts made available by this paragraph, after August 15, 1996, if the Secretary determines that the demand for funding may exceed amounts available for such funding, the Secretary (1) may determine priorities for distributing available funds, including giving priority funding to tenants displaced due to mortgage prepayment and to projects that have not yet been funded but which have approved plans of action; and (2) may impose a temporary moratorium on applications by potential recipients of such funding: *Provided further*, That an owner of eligible low-income housing may prepay the mortgage or request voluntary termination of a mortgage insurance contract, so long as said owner agrees not to raise rents for sixty days after such prepayment: *Provided further*, That an owner of eligible low-income housing who has not timely filed a second notice under section 216(d) prior to the effective date of this Act may file such notice by April 15, 1996: *Provided further*, That such developments have been determined to have preservation equity at least equal to the lesser of \$5,000 per unit or \$500,000 per project or the equivalent of eight times the most recently published fair market rent for the area in which the project is located as the appropriate unit size for all of the units in the eligible project: *Provided further*, That the Secretary may modify the regulatory agreement to permit owners and priority purchasers to retain rental income in excess of the basic rental charge in projects assisted under section 236 of the National Housing Act, for the purpose of preserving the low and moderate income character of the housing: *Provided further*, That the Secretary may give priority to funding and processing the following projects provided that the funding

is obligated not later than September 15, 1996: (1) projects with approved plans of action to retain the housing that file a modified plan of action no later than August 15, 1996 to transfer the housing; (2) projects with approved plans of action that are subject to a repayment or settlement agreement that was executed between the owner and the Secretary prior to September 1, 1995; (3) projects for which submissions were delayed as a result of their location in areas that were designated as a Federal disaster area in a Presidential Disaster Declaration; and (4) projects whose processing was, in fact, or in practical effect, suspended, deferred, or interrupted for a period of nine months or more because of differing interpretations, by the Secretary and an owner concerning the time of the ability of an uninsured section 236 property to prepay or by the Secretary and a State or local rent regulatory agency, concerning the effect of a presumptively applicable State or local rent control law or regulation on the determination of preservation value under section 213 of LIHPRHA, as amended, if the owner of such project filed notice of intent to extend the low-income affordability restrictions of the housing, or transfer to a qualified purchaser who would extend such restrictions, on or before November 1, 1993: *Provided further*, That eligible low-income housing shall include properties meeting the requirements of this paragraph with mortgages that are held by a State agency as a result of a sale by the Secretary without insurance, which immediately before the sale would have been eligible low-income housing under LIHPRHA: *Provided further*, That notwithstanding any other provision of law, subject to the availability of appropriated funds, each unassisted low-income family residing in the housing on the date of prepayment or voluntary termination, and whose rent, as a result of a rent increase occurring no later than one year after the date of the prepayment, exceeds 30 percent of adjusted income, shall be offered tenant-based assistance in accordance with section 8 or any successor program, under which the family shall pay no less for rent than it paid on such date: *Provided further*, That any family receiving tenant-based assistance under the preceding proviso may elect (1) to remain in the unit of the housing and if the rent exceeds the fair market rent or payment standard, as applicable, the rent shall be deemed to be the applicable standard, so long as the administering public housing agency finds that the rent is reasonable in comparison with rents charged for comparable unassisted housing units in the market or (2) to move from the housing and the rent will be subject to the fair market rent of the payment standard, as applicable, under existing program rules and procedures: *Provided further*, That rents and rent increases for tenants of projects for which plans of action are funded under section 220(d)(3)(B) of LIHPRHA shall be governed in accordance with the requirements of the program under which the first mortgage is insured or made (sections 236 or 221(d)(3) BMIR, as appropriate): *Provided further*, That the immediately foregoing proviso shall apply hereafter to projects for which plans of action are to be funded under such section 220(d)(3)(B), and shall apply to any project that has been funded under such section starting one year after the date that such project was funded: *Provided further*, That up to \$10,000,000 of the amount made available by this paragraph may be used at the discretion of the Secretary to reimburse owners of eligible properties for which plans of action were submitted prior to the effective date of this Act,

Effective date.

but were not executed for lack of available funds, with such reimbursement available only for documented costs directly applicable to the preparation of the plan of action as determined by the Secretary, and shall be made available on terms and conditions to be established by the Secretary: *Provided further*, That, notwithstanding any other provision of law, effective October 1, 1996, the Secretary shall suspend further processing of preservation applications which do not have approved plans of action.

Of the total amount provided under this head, \$780,190,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959; and \$233,168,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act; and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act: *Provided*, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of the Cranston-Gonzalez National Affordable Housing Act for tenant-based assistance, as authorized under that section, which assistance is five-years in duration: *Provided further*, That the Secretary may waive any provision of section 202 of the Housing Act of 1959 and section 811 of the National Affordable Housing Act (including the provisions governing the terms and conditions of project rental assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

Of the total amount provided under this heading, and in addition to funds otherwise earmarked in the previous paragraph, for section 202 of the Housing Act of 1959 and section 811 of the Cranston-Gonzalez National Affordable Housing Act, \$75,000,000: *Provided*, That \$50,000,000 of such sum shall be available for purposes authorized by section 202 of the Housing Act of 1959, and \$25,000,000 shall be available for purposes authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act: *Provided further*, That such additional sums shall be available only to provide for rental subsidy terms of a longer duration than would otherwise be permitted by this Act.

PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND  
REPLACEMENT HOUSING GRANTS

For grants to public housing agencies for the purposes of enabling the demolition of obsolete public housing projects or portions thereof, the revitalization (where appropriate) of sites (including remaining public housing units) on which such projects are located, replacement housing which will avoid or lessen concentrations of very low-income families, and tenant-based assistance in accordance with section 8 of the United States Housing Act of 1937 for the purpose of providing replacement housing and assisting

tenants to be displaced by the demolition, \$480,000,000, to remain available until expended: *Provided*, That the Secretary of Housing and Urban Development shall award such funds to public housing agencies based upon, among other relevant criteria, the local and national impact of the proposed demolition and revitalization activities and the extent to which the public housing agency could undertake such activities without the additional assistance to be provided hereunder: *Provided further*, That eligible expenditures hereunder shall be those expenditures eligible under section 8 and section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437f and 1): *Provided further*, That the Secretary may impose such conditions and requirements as the Secretary deems appropriate to effectuate the purposes of this paragraph: *Provided further*, That the Secretary may require an agency selected to receive funding to make arrangements satisfactory to the Secretary for use of an entity other than the agency to carry out this program where the Secretary determines that such action will help to effectuate the purpose of this paragraph: *Provided further*, That in the event an agency selected to receive funding does not proceed expeditiously as determined by the Secretary, the Secretary shall withdraw any funding made available pursuant to this paragraph that has not been obligated by the agency and distribute such funds to one or more other eligible agencies, or to other entities capable of proceeding expeditiously in the same locality with the original program: *Provided further*, That of the foregoing \$480,000,000, the Secretary may use up to .67 per centum for technical assistance, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the Department and of public housing agencies and to residents: *Provided further*, That any replacement housing provided with assistance under this head shall be subject to section 18(f) of the United States Housing Act of 1937, as amended by section 201(b)(2) of this Act.

#### FLEXIBLE SUBSIDY FUND

##### (INCLUDING TRANSFER OF FUNDS)

From the fund established by section 236(g) of the National Housing Act, as amended, all uncommitted balances of excess rental charges as of September 30, 1995, and any collections during fiscal year 1996 shall be transferred, as authorized under such section, to the fund authorized under section 201(j) of the Housing and Community Development Amendments of 1978, as amended.

#### RENTAL HOUSING ASSISTANCE

##### (RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z-1) is reduced in fiscal year 1996 by not more than \$2,000,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts: *Provided*, That up to \$163,000,000 of recaptured section 236 budget authority resulting from the prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z-1) shall be rescinded in fiscal year 1996.

## PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), \$2,800,000,000.

## DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public and Indian housing agencies for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901-11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearing-house services authorized by 42 U.S.C. 11921-11925, \$290,000,000, to remain available until expended, of which \$10,000,000 shall be for grants, technical assistance, contracts and other assistance training, program assessment, and execution for or on behalf of public housing agencies and resident organizations (including the cost of necessary travel for participants in such training) and of which \$2,500,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home program administered by the Inspector General of the Department of Housing and Urban Development: *Provided*, That the term "drug-related crime", as defined in 42 U.S.C. 11905(2), shall also include other types of crime as determined by the Secretary: *Provided further*, That notwithstanding section 5130(c) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11909(c)), the Secretary may determine not to use any such funds to provide public housing youth sports grants.

## HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), as amended, \$1,400,000,000, to remain available until expended.

## INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, \$3,000,000, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739): *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$36,900,000.

## HOMELESS ASSISTANCE

## HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and

the shelter plus care program (as authorized under subtitle F of title IV of such Act), \$823,000,000, to remain available until expended.

## COMMUNITY PLANNING AND DEVELOPMENT

### COMMUNITY DEVELOPMENT GRANTS

#### (INCLUDING TRANSFER OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), \$4,600,000,000, to remain available until September 30, 1998: *Provided*, That \$50,000,000 shall be available for grants to Indian tribes pursuant to section 106(a)(1) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), \$2,000,000 shall be available as a grant to the Housing Assistance Council, \$1,000,000 shall be available as a grant to the National American Indian Housing Council, and \$27,000,000 shall be available for "special purpose grants" pursuant to section 107 of such Act: *Provided further*, That not to exceed 20 per centum of any grant made with funds appropriated herein (other than a grant made available under the preceding proviso to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development: *Provided further*, That section 105(a)(25) of such Act, as added by section 907(b)(1) of the Cranston-Gonzalez National Affordable Housing Act, shall continue to be effective after September 30, 1995, notwithstanding section 907(b)(2) of such Act: *Provided further*, That section 916 of the Cranston-Gonzalez National Affordable Housing Act shall apply with respect to fiscal year 1996, notwithstanding section 916(f) of that Act.

42 USC 5305  
note.

Applicability.  
42 USC 5306  
note.

Of the amount provided under this heading, the Secretary of Housing and Urban Development may use up to \$53,000,000 for grants to public housing agencies (including Indian housing authorities), nonprofit corporations, and other appropriate entities for a supportive services program to assist residents of public and assisted housing, former residents of such housing receiving tenant-based assistance under section 8 of such Act (42 U.S.C. 1437f), and other low-income families and individuals to become self-sufficient: *Provided*, That the program shall provide supportive services, principally for the benefit of public housing residents, to the elderly and the disabled, and to families with children where the head of the household would benefit from the receipt of supportive services and is working, seeking work, or is preparing for work by participating in job training or educational programs: *Provided further*, That the supportive services shall include congregate services for the elderly and disabled, service coordinators, and coordinated educational, training, and other supportive services, including academic skills training, job search assistance, assistance related to retaining employment, vocational and entrepreneurship development and support programs, transportation, and child care: *Provided further*, That the Secretary shall require applicants to dem-

onstrate firm commitments of funding or services from other sources: *Provided further*, That the Secretary shall select public and Indian housing agencies to receive assistance under this heading on a competitive basis, taking into account the quality of the proposed program (including any innovative approaches), the extent of the proposed coordination of supportive services, the extent of commitments of funding or services from other sources, the extent to which the proposed program includes reasonably achievable, quantifiable goals for measuring performance under the program over a three-year period, the extent of success an agency has had in carrying out other comparable initiatives, and other appropriate criteria established by the Secretary.

Of the amount made available under this heading, notwithstanding any other provision of law, \$12,000,000 shall be available for contracts, grants, and other assistance, other than loans, not otherwise provided for, for providing counseling and advice to tenants and homeowners both current and prospective, with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106 of the Housing and Urban Development Act of 1968, as amended, notwithstanding section 106(c)(9) and section 106(d)(13) of such Act.

Of the amount made available under this heading, notwithstanding any other provision of law, \$15,000,000 shall be available for the tenant opportunity program.

Of the amount made available under this heading, notwithstanding any other provision of law, \$20,000,000 shall be available for youthbuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading.

Of the amount made available under this heading, notwithstanding any other provision of law, \$50,000,000 shall be available for Economic Development Initiative grants as authorized by section 232 of the Multifamily Housing Property Disposition Reform Act of 1994, Public Law 103-233, on a competitive basis as required by section 102 of the HUD Reform Act.

For the cost of guaranteed loans, \$31,750,000, as authorized by section 108 of the Housing and Community Development Act of 1974: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$1,500,000,000: *Provided further*, That the Secretary of Housing and Urban Development may make guarantees not to exceed the immediately foregoing amount notwithstanding the aggregate limitation on guarantees set forth in section 108(k) of the Housing and Community Development Act of 1974. In addition, for administrative expenses to carry out the guaranteed loan program, \$675,000 which shall be transferred to and merged with the appropriation for departmental salaries and expenses.

The amount made available for fiscal year 1995 for a special purpose grant for the renovation of the central terminal in Buffalo,

New York, shall be made available for the central terminal and for other public facilities in Buffalo, New York.

#### POLICY DEVELOPMENT AND RESEARCH

##### RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$34,000,000, to remain available until September 30, 1997.

#### FAIR HOUSING AND EQUAL OPPORTUNITY

##### FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and for contracts with qualified fair housing enforcement organizations, as authorized by section 561 of the Housing and Community Development Act of 1987, as amended by the Housing and Community Development Act of 1992, \$30,000,000, to remain available until September 30, 1997.

#### MANAGEMENT AND ADMINISTRATION

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed \$7,000 for official reception and representation expenses, \$962,558,000, of which \$532,782,000 shall be provided from the various funds of the Federal Housing Administration, and \$9,101,000 shall be provided from funds of the Government National Mortgage Association, and \$675,000 shall be provided from the Community Development Grants Program account.

##### OFFICE OF INSPECTOR GENERAL

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$47,850,000, of which \$11,283,000 shall be transferred from the various funds of the Federal Housing Administration.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, \$14,895,000, to remain available until expended, from the Federal Housing Enterprise Oversight Fund: *Provided*, That such amounts shall be collected by the Director as authorized by section 1316 (a) and (b) of such Act, and deposited in the Fund under section 1316(f) of such Act.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 1996, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of \$110,000,000,000: *Provided*, That during fiscal year 1996, the Secretary shall sell assigned mortgage notes having an unpaid principal balance of up to \$4,000,000,000, which notes were originally insured under section 203(b) of the National Housing Act: *Provided further*, That the Secretary may use any negative subsidy amounts from the sale of such assigned mortgage notes during fiscal year 1996 for the disposition of properties or notes under this heading.

During fiscal year 1996, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$200,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under section 203 of such Act.

For administrative expenses necessary to carry out the guaranteed and direct loan program, \$341,595,000, to be derived from the FHA-mutual mortgage insurance guaranteed loans receipt account, of which not to exceed \$334,483,000 shall be transferred to the appropriation for departmental salaries and expenses; and of which not to exceed \$7,112,000 shall be transferred to the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of modifying such loans, \$85,000,000, to remain available until expended: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal any part of which is to be guaranteed of not to exceed \$17,400,000,000: *Provided further*, That during fiscal year 1996, the Secretary shall sell assigned notes having an unpaid principal balance of up to \$4,000,000,000, which notes were originally obligations of the funds established under sections

238 and 519 of the National Housing Act: *Provided further*, That the Secretary may use any negative subsidy amounts, to remain available until expended, from the sale of such assigned mortgage notes, in addition to amounts otherwise provided, for the disposition of properties or notes under this heading (including the credit subsidy for the guarantee of loans or the reduction of positive credit subsidy amounts that would otherwise be required for the sale of such properties or notes), and for any other purpose under this heading: *Provided further*, That any amounts made available in any prior appropriation Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238(a), and 519(a) of the National Housing Act, shall not exceed \$120,000,000; of which not to exceed \$100,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed \$20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, \$202,470,000, of which \$198,299,000 shall be transferred to the appropriation for departmental salaries and expenses; and of which \$4,171,000 shall be transferred to the appropriation for the Office of Inspector General.

#### GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

##### GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

##### (INCLUDES TRANSFER OF FUNDS)

During fiscal year 1996, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$110,000,000,000.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, \$9,101,000, to be derived from the GNMA—guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed \$9,101,000 shall be transferred to the appropriation for departmental salaries and expenses.

## ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

## EXTEND ADMINISTRATIVE PROVISIONS FROM THE RESCISSION ACT

## SEC. 201. (a) PUBLIC AND INDIAN HOUSING MODERNIZATION.—

42 USC 1437L.

(1) EXPANSION OF USE OF MODERNIZATION FUNDING.—Subsection 14(q) of the United States Housing Act of 1937 is amended to read as follows:

“(q)(1) In addition to the purposes enumerated in subsections (a) and (b), a public housing agency may use modernization assistance provided under section 14, and development assistance provided under section 5(a) that was not allocated, as determined by the Secretary, for priority replacement housing, for any eligible activity authorized by this section, by section 5, or by applicable Appropriations Acts for a public housing agency, including the demolition, rehabilitation, revitalization, and replacement of existing units and projects and, for up to 10 percent of its allocation of such funds in any fiscal year, for any operating subsidy purpose authorized in section 9. Except for assistance used for operating subsidy purposes under the preceding sentence, assistance provided to a public housing agency under this section shall principally be used for the physical improvement, replacement of public housing, other capital purposes, and for associated management improvements, and such other extraordinary purposes as may be approved by the Secretary. Low-income and very low-income units assisted under this paragraph shall be eligible for operating subsidies, unless the Secretary determines that such units or projects do not meet other requirements of this Act.

“(2) A public housing agency may provide assistance to developments that include units, other than units assisted under this Act (except for units assisted under section 8 hereof) (‘mixed income developments’), in the form of a grant, loan, operating assistance, or other form of investment which may be made to—

“(A) a partnership, a limited liability company, or other legal entity in which the public housing agency or its affiliate is a general partner, managing member, or otherwise participates in the activities of such entity; or

“(B) any entity which grants to the public housing agency the option to purchase the development within 20 years after initial occupancy in accordance with section 42(i)(7) of the Internal Revenue Code of 1986, as amended.

“Units shall be made available in such developments for periods of not less than 20 years, by master contract or by individual lease, for occupancy by low-income and very low-income families referred from time to time by the public housing agency. The number of such units shall be:

“(i) in the same proportion to the total number of units in such development that the total financial commitment provided by the public housing agency bears to the value of the total financial commitment in the development, or

“(ii) not be less than the number of units that could have been developed under the conventional public housing program with the assistance involved, or

“(iii) as may otherwise be approved by the Secretary.

“(3) A mixed income development may elect to have all units subject only to the applicable local real estate taxes, notwithstanding that the low-income units assisted by public housing funds would otherwise be subject to section 6(d) of the Housing Act of 1937.

“(4) If an entity that owns or operates a mixed-income project under this subsection enters into a contract with a public housing agency, the terms of which obligate the entity to operate and maintain a specified number of units in the project as public housing units in accordance with the requirements of this Act for the period required by law, such contractual terms may provide that, if, as a result of a reduction in appropriations under section 9, or any other change in applicable law, the public housing agency is unable to fulfill its contractual obligations with respect to those public housing units, that entity may deviate, under procedures and requirements developed through regulations by the Secretary, from otherwise applicable restrictions under this Act regarding rents, income eligibility, and other areas of public housing management with respect to a portion or all of those public housing units, to the extent necessary to preserve the viability of those units while maintaining the low-income character of the units, to the maximum extent practicable.”

(2) **APPLICABILITY.**—Section 14(q) of the United States Housing Act of 1937, as amended by subsection (a) of this section, shall be effective only with respect to assistance provided from funds made available for fiscal year 1996 or any preceding fiscal year. 42 USC 1437l note.

(3) **APPLICABILITY TO IHAS.**—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendment made by this subsection shall apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority. 42 USC 1437aa note.

(b) **ONE-FOR-ONE REPLACEMENT OF PUBLIC AND INDIAN HOUSING.**—

(1) **EXTENDED AUTHORITY.**—Section 1002(d) of Public Law 104-19 is amended to read as follows:

“(d) Subsections (a), (b), and (c) shall be effective for applications for the demolition, disposition, or conversion to homeownership of public housing approved by the Secretary, and other consolidation and relocation activities of public housing agencies undertaken, on, before, or after September 30, 1995 and before September 30, 1996.” 42 USC 1437c note.

(2) Section 18(f) of the United States Housing Act of 1937 is amended by adding at the end the following new sentence: “No one may rely on the preceding sentence as the basis for reconsidering a final order of a court issued, or a settlement approved, by a court.” 42 USC 1437p.

(3) **APPLICABILITY.**—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendments made by this subsection and by sections 1002 (a), (b), and (c) of Public Law 104-19 shall apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority. 42 USC 1437aa note.

## CONVERSION OF CERTAIN PUBLIC HOUSING TO VOUCHERS

42 USC 1437I  
note.

SEC. 202. (a) IDENTIFICATION OF UNITS.—Each public housing agency shall identify any public housing developments—

- (1) that are on the same or contiguous sites;
- (2) that total more than 300 dwelling units;
- (3) that have a vacancy rate of at least 10 percent for dwelling units not in funded, on-schedule modernization programs;

- (4) identified as distressed housing that the public housing agency cannot assure the long-term viability as public housing through reasonable revitalization, density reduction, or achievement of a broader range of household income; and

- (5) for which the estimated cost of continued operation and modernization of the developments as public housing exceeds the cost of providing tenant-based assistance under section 8 of the United States Housing Act of 1937 for all families in occupancy, based on appropriate indicators of cost (such as the percentage of total development cost required for modernization).

(b) IMPLEMENTATION AND ENFORCEMENT.—

(1) STANDARDS FOR IMPLEMENTATION.—The Secretary shall establish standards to permit implementation of this section in fiscal year 1996.

(2) CONSULTATION.—Each public housing agency shall consult with the applicable public housing tenants and the unit of general local government in identifying any public housing developments under subsection (a).

(3) FAILURE OF PHAS TO COMPLY WITH SUBSECTION (a).—Where the Secretary determines that—

(A) a public housing agency has failed under subsection (a) to identify public housing developments for removal from the inventory of the agency in a timely manner;

(B) a public housing agency has failed to identify one or more public housing developments which the Secretary determines should have been identified under subsection (a); or

(C) one or more of the developments identified by the public housing agency pursuant to subsection (a) should not, in the determination of the Secretary, have been identified under that subsection;

the Secretary may designate the developments to be removed from the inventory of the public housing agency pursuant to this section.

(c) REMOVAL OF UNITS FROM THE INVENTORIES OF PUBLIC HOUSING AGENCIES.—

(1) Each public housing agency shall develop and carry out a plan in conjunction with the Secretary for the removal of public housing units identified under subsection (a) or subsection (b)(3), over a period of up to five years, from the inventory of the public housing agency and the annual contributions contract. The plan shall be approved by the relevant local official as not inconsistent with the Comprehensive Housing Affordability Strategy under title I of the Housing and Community Development Act of 1992, including a description of any disposition and demolition plan for the public housing units.

(2) The Secretary may extend the deadline in paragraph (1) for up to an additional five years where the Secretary makes a determination that the deadline is impracticable.

(3) The Secretary shall take appropriate actions to ensure removal of developments identified under subsection (a) or subsection (b)(3) from the inventory of a public housing agency, if the public housing agency fails to adequately develop a plan under paragraph (1), or fails to adequately implement such plan in accordance with the terms of the plan.

(4) To the extent approved in appropriations Acts, the Secretary may establish requirements and provide funding under the Urban Revitalization Demonstration program for demolition and disposition of public housing under this section.

(5) Notwithstanding any other provision of law, if a development is removed from the inventory of a public housing agency and the annual contributions contract pursuant to paragraph (1), the Secretary may authorize or direct the transfer of—

(A) in the case of an agency receiving assistance under the comprehensive improvement assistance program, any amounts obligated by the Secretary for the modernization of such development pursuant to section 14 of the United States Housing Act of 1937;

(B) in the case of an agency receiving public and Indian housing modernization assistance by formula pursuant to section 14 of the United States Housing Act of 1937, any amounts provided to the agency which are attributable pursuant to the formula for allocating such assistance to the development removed from the inventory of that agency; and

(C) in the case of an agency receiving assistance for the major reconstruction of obsolete projects, any amounts obligated by the Secretary for the major reconstruction of the development pursuant to section 5 of such Act, to the tenant-based assistance program or appropriate site revitalization of such agency.

(6) CESSATION OF UNNECESSARY SPENDING.—Notwithstanding any other provision of law, if, in the determination of the Secretary, a development meets or is likely to meet the criteria set forth in subsection (a), the Secretary may direct the public housing agency to cease additional spending in connection with the development, except to the extent that additional spending is necessary to ensure decent, safe, and sanitary housing until the Secretary determines or approves an appropriate course of action with respect to such development under this section.

(d) CONVERSION TO TENANT-BASED ASSISTANCE.—

(1) The Secretary shall make authority available to a public housing agency to provide tenant-based assistance pursuant to section 8 to families residing in any development that is removed from the inventory of the public housing agency and the annual contributions contract pursuant to subsection (b).

(2) Each conversion plan under subsection (c) shall—

(A) require the agency to notify families residing in the development, consistent with any guidelines issued by the Secretary governing such notifications, that the development shall be removed from the inventory of the public housing agency and the families shall receive tenant-based

or project-based assistance, and to provide any necessary counseling for families; and

(B) ensure that all tenants affected by a determination under this section that a development shall be removed from the inventory of a public housing agency shall be offered tenant-based or project-based assistance and shall be relocated, as necessary, to other decent, safe, sanitary, and affordable housing which is, to the maximum extent practicable, housing of their choice.

(e) IN GENERAL.—

(1) The Secretary may require a public housing agency to provide such information as the Secretary considers necessary for the administration of this section.

(2) As used in this section, the term “development” shall refer to a project or projects, or to portions of a project or projects, as appropriate.

(3) Section 18 of the United States Housing Act of 1937 shall not apply to the demolition of developments removed from the inventory of the public housing agency under this section.

STREAMLINING SECTION 8 TENANT-BASED ASSISTANCE

42 USC 1437f.

SEC. 203. (a) “TAKE-ONE, TAKE-ALL.”—Section 8(t) of the United States Housing Act of 1937 is hereby repealed.

(b) EXEMPTION FROM NOTICE REQUIREMENTS FOR THE CERTIFICATE AND VOUCHER PROGRAMS.—Section 8(c) of such Act is amended—

(1) in paragraph (8), by inserting after “section” the following: “(other than a contract for assistance under the certificate or voucher program)”; and

(2) in the first sentence of paragraph (9), by striking “(but not less than 90 days in the case of housing certificates or vouchers under subsection (b) or (o))” and inserting “, other than a contract under the certificate or voucher program”.

(c) ENDLESS LEASE.—Section 8(d)(1)(B) of such Act is amended—

(1) in clause (ii), by inserting “during the term of the lease,” after “(ii)”; and

(2) in clause (iii), by striking “provide that” and inserting “during the term of the lease,”.

42 USC 1437f  
note.

(d) APPLICABILITY.—The provisions of this section shall be effective for fiscal year 1996 only.

PUBLIC HOUSING/SECTION 8 MOVING TO WORK DEMONSTRATION

42 USC 1437f  
note.

SEC. 204. (a) PURPOSE.—The purpose of this demonstration is to give public housing agencies and the Secretary of Housing and Urban Development the flexibility to design and test various approaches for providing and administering housing assistance that: reduce cost and achieve greater cost effectiveness in Federal expenditures; give incentives to families with children where the head of household is working, seeking work, or is preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient; and increase housing choices for low-income families.

(b) PROGRAM AUTHORITY.—The Secretary of Housing and Urban Development shall conduct a demonstration program under this

section beginning in fiscal year 1996 under which up to 30 public housing agencies (including Indian housing authorities) administering the public or Indian housing program and the section 8 housing assistance payments program may be selected by the Secretary to participate. The Secretary shall provide training and technical assistance during the demonstration and conduct detailed evaluations of up to 15 such agencies in an effort to identify replicable program models promoting the purpose of the demonstration. Under the demonstration, notwithstanding any provision of the United States Housing Act of 1937 except as provided in subsection (e), an agency may combine operating assistance provided under section 9 of the United States Housing Act of 1937, modernization assistance provided under section 14 of such Act, and assistance provided under section 8 of such Act for the certificate and voucher programs, to provide housing assistance for low-income families, as defined in section 3(b)(2) of the United States Housing Act of 1937, and services to facilitate the transition to work on such terms and conditions as the agency may propose and the Secretary may approve.

(c) APPLICATION.—An application to participate in the demonstration—

(1) shall request authority to combine assistance under sections 8, 9, and 14 of the United States Housing Act of 1937;

(2) shall be submitted only after the public housing agency provides for citizen participation through a public hearing and, if appropriate, other means;

(3) shall include a plan developed by the agency that takes into account comments from the public hearing and any other public comments on the proposed program, and comments from current and prospective residents who would be affected, and that includes criteria for—

(A) families to be assisted, which shall require that at least 75 percent of the families assisted by participating demonstration public housing authorities shall be very low-income families, as defined in section 3(b)(2) of the United States Housing Act of 1937;

(B) establishing a reasonable rent policy, which shall be designed to encourage employment and self-sufficiency by participating families, consistent with the purpose of this demonstration, such as by excluding some or all of a family's earned income for purposes of determining rent;

(C) continuing to assist substantially the same total number of eligible low-income families as would have been served had the amounts not been combined;

(D) maintaining a comparable mix of families (by family size) as would have been provided had the amounts not been used under the demonstration; and

(E) assuring that housing assisted under the demonstration program meets housing quality standards established or approved by the Secretary; and

(4) may request assistance for training and technical assistance to assist with design of the demonstration and to participate in a detailed evaluation.

(d) SELECTION.—In selecting among applications, the Secretary shall take into account the potential of each agency to plan and carry out a program under the demonstration, the relative perform-

ance by an agency under the public housing management assessment program under section 6(j) of the United States Housing Act of 1937, and other appropriate factors as determined by the Secretary.

(e) APPLICABILITY OF 1937 ACT PROVISIONS.—

(1) Section 18 of the United States Housing Act of 1937 shall continue to apply to public housing notwithstanding any use of the housing under this demonstration.

(2) Section 12 of such Act shall apply to housing assisted under the demonstration, other than housing assisted solely due to occupancy by families receiving tenant-based assistance.

(f) EFFECT ON SECTION 8, OPERATING SUBSIDIES, AND COMPREHENSIVE GRANT PROGRAM ALLOCATIONS.—The amount of assistance received under section 8, section 9, or pursuant to section 14 by a public housing agency participating in the demonstration under this part shall not be diminished by its participation.

(g) RECORDS, REPORTS, AND AUDITS.—

(1) KEEPING OF RECORDS.—Each agency shall keep such records as the Secretary may prescribe as reasonably necessary to disclose the amounts and the disposition of amounts under this demonstration, to ensure compliance with the requirements of this section, and to measure performance.

(2) REPORTS.—Each agency shall submit to the Secretary a report, or series of reports, in a form and at a time specified by the Secretary. Each report shall—

(A) document the use of funds made available under this section;

(B) provide such data as the Secretary may request to assist the Secretary in assessing the demonstration; and

(C) describe and analyze the effect of assisted activities in addressing the objectives of this part.

(3) ACCESS TO DOCUMENTS BY THE SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(4) ACCESS TO DOCUMENTS BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(h) EVALUATION AND REPORT.—

(1) CONSULTATION WITH PHA AND FAMILY REPRESENTATIVES.—In making assessments throughout the demonstration, the Secretary shall consult with representatives of public housing agencies and residents.

(2) REPORT TO CONGRESS.—Not later than 180 days after the end of the third year of the demonstration, the Secretary shall submit to the Congress a report evaluating the programs carried out under the demonstration. The report shall also include findings and recommendations for any appropriate legislative action.

(i) FUNDING FOR TECHNICAL ASSISTANCE AND EVALUATION.—From amounts appropriated for assistance under section 14 of the

United States Housing Act of 1937 for fiscal years 1996, 1997, and 1998, the Secretary may use up to a total of \$5,000,000—

(1) to provide, directly or by contract, training and technical assistance—

(A) to public housing agencies that express an interest to apply for training and technical assistance pursuant to subsection (c)(4), to assist them in designing programs to be proposed for the demonstration; and

(B) to up to 10 agencies selected to receive training and technical assistance pursuant to subsection (c)(4), to assist them in implementing the approved program; and

(2) to conduct detailed evaluations of the activities of the public housing agencies under paragraph (1)(B), directly or by contract.

#### EXTENSION OF MULTIFAMILY HOUSING FINANCE PROGRAM

SEC. 205. (a) The first sentence of section 542(b)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking “on not more than 15,000 units over fiscal years 1993 and 1994” and inserting “on not more than 7,500 units during fiscal year 1996”.

(b) The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking “on not to exceed 30,000 units over fiscal years 1993, 1994, and 1995” and inserting “on not more than 12,000 units during fiscal year 1996”.

#### FORECLOSURE OF HUD-HELD MORTGAGES THROUGH THIRD PARTIES

SEC. 206. During fiscal year 1996, the Secretary of Housing and Urban Development may delegate to one or more entities the authority to carry out some or all of the functions and responsibilities of the Secretary in connection with the foreclosure of mortgages held by the Secretary under the National Housing Act.

#### RESTRUCTURING OF THE HUD MULTIFAMILY MORTGAGE PORTFOLIO THROUGH STATE HOUSING FINANCE AGENCIES

SEC. 207. During fiscal year 1996, the Secretary of Housing and Urban Development may sell or otherwise transfer multifamily mortgages held by the Secretary under the National Housing Act to a State housing finance agency in connection with a program authorized under section 542 (b) or (c) of the Housing and Community Development Act of 1992 without regard to the unit limitations in section 542(b)(5) or 542(c)(4) of such Act.

#### TRANSFER OF SECTION 8 AUTHORITY

SEC. 208. Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection at the end: 42 USC 1437f.

“(bb) TRANSFER OF BUDGET AUTHORITY.—If an assistance contract under this section, other than a contract for tenant-based assistance, is terminated or is not renewed, or if the contract expires, the Secretary shall, in order to provide continued assistance to eligible families, including eligible families receiving the benefit of the project-based assistance at the time of the termination, transfer any budget authority remaining in the contract to another

contract. The transfer shall be under such terms as the Secretary may prescribe.”.

#### DOCUMENTATION OF MULTIFAMILY REFINANCINGS

Effective date.  
12 USC 1715n  
note.

SEC. 209. Notwithstanding the 16th paragraph under the item relating to “administrative provisions” in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995 (Public Law 103-327; 108 Stat. 2316), the amendments to section 223(a)(7) of the National Housing Act made by the 15th paragraph of such Act shall be effective during fiscal year 1996 and thereafter.

#### FHA MULTIFAMILY DEMONSTRATION AUTHORITY

42 USC 1437f  
note.

SEC. 210. (a) On and after October 1, 1995, and before October 1, 1997, the Secretary of Housing and Urban Development shall initiate a demonstration program with respect to multifamily projects whose owners agree to participate and whose mortgages are insured under the National Housing Act and that are assisted under section 8 of the United States Housing Act of 1937 and whose present section 8 rents are, in the aggregate, in excess of the fair market rent of the locality in which the project is located. These programs shall be designed to test the feasibility and desirability of the goal of ensuring, to the maximum extent practicable, that the debt service and operating expenses, including adequate reserves, attributable to such multifamily projects can be supported with or without mortgage insurance under the National Housing Act and with or without above-market rents and utilizing project-based assistance or, with the consent of the property owner, tenant-based assistance, while taking into account the need for assistance of low- and very low-income families in such projects. In carrying out this demonstration, the Secretary may use arrangements with third parties, under which the Secretary may provide for the assumption by the third parties (by delegation, contract, or otherwise) of some or all of the functions, obligations, and benefits of the Secretary.

(1) GOALS.—The Secretary of Housing and Urban Development shall carry out the demonstration programs under this section in a manner that—

(A) will protect the financial interests of the Federal Government;

(B) will result in significant discretionary cost savings through debt restructuring and subsidy reduction; and

(C) will, in the least costly fashion, address the goals of—

(i) maintaining existing housing stock in a decent, safe, and sanitary condition;

(ii) minimizing the involuntary displacement of tenants;

(iii) restructuring the mortgages of such projects in a manner that is consistent with local housing market conditions;

(iv) supporting fair housing strategies;

(v) minimizing any adverse income tax impact on property owners; and

(vi) minimizing any adverse impact on residential neighborhoods.

In determining the manner in which a mortgage is to be restructured or the subsidy reduced, the Secretary may balance competing goals relating to individual projects in a manner that will further the purposes of this section.

(2) DEMONSTRATION APPROACHES.—In carrying out the demonstration programs, subject to the appropriation in subsection (f), the Secretary may use one or more of the following approaches:

(A) Joint venture arrangements with third parties, under which the Secretary may provide for the assumption by the third parties (by delegation, contract, or otherwise) of some or all of the functions, obligations, and benefits of the Secretary.

(B) Subsidization of the debt service of the project to a level that can be paid by an owner receiving an unsubsidized market rent.

(C) Renewal of existing project-based assistance contracts where the Secretary shall approve proposed initial rent levels that do not exceed the greater of 120 percent of fair market rents or comparable market rents for the relevant metropolitan market area or at rent levels under a budget-based approach.

(D) Nonrenewal of expiring existing project-based assistance contracts and providing tenant-based assistance to previously assisted households.

(b) For purposes of carrying out demonstration programs under subsection (a)—

(1) the Secretary may manage and dispose of multifamily properties owned by the Secretary as of October 1, 1995 and multifamily mortgages held by the Secretary as of October 1, 1995 for properties assisted under section 8 with rents above 110 percent of fair market rents without regard to any other provision of law; and

(2) the Secretary may delegate to one or more entities the authority to carry out some or all of the functions and responsibilities of the Secretary in connection with the foreclosure of mortgages held by the Secretary under the National Housing Act.

(c) For purposes of carrying out demonstration programs under subsection (a), subject to such third party consents (if any) as are necessary including but not limited to (i) consent by the Government National Mortgage Association where it owns a mortgage insured by the Secretary; (ii) consent by an issuer under the mortgage-backed securities program of the Association, subject to the responsibilities of the issuer to its security holders and the Association under such program; and (iii) parties to any contractual agreement which the Secretary proposes to modify or discontinue, and subject to the appropriation in subsection (c), the Secretary or one or more third parties designated by the Secretary may take the following actions:

(1) Notwithstanding any other provision of law, and subject to the agreement of the project owner, the Secretary or third party may remove, relinquish, extinguish, modify, or agree to the removal of any mortgage, regulatory agreement, project-based assistance contract, use agreement, or restriction that had been imposed or required by the Secretary, including restrictions on distributions of income which the Secretary or

third party determines would interfere with the ability of the project to operate without above market rents. The Secretary or third party may require an owner of a property assisted under the section 8 new construction/substantial rehabilitation program to apply any accumulated residual receipts toward effecting the purposes of this section.

(2) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may enter into contracts to purchase reinsurance, or enter into participations or otherwise transfer economic interest in contracts of insurance or in the premiums paid, or due to be paid, on such insurance to third parties, on such terms and conditions as the Secretary may determine.

(3) The Secretary may offer project-based assistance with rents at or below fair market rents for the locality in which the project is located and may negotiate such other terms as are acceptable to the Secretary and the project owner.

(4) The Secretary may offer to pay all or a portion of the project's debt service, including payments monthly from the appropriate Insurance Fund, for the full remaining term of the insured mortgage.

(5) Notwithstanding any other provision of law, the Secretary may forgive and cancel any FHA-insured mortgage debt that a demonstration program property cannot carry at market rents while bearing full operating costs.

(6) For demonstration program properties that cannot carry full operating costs (excluding debt service) at market rents, the Secretary may approve project-based rents sufficient to carry such full operating costs and may offer to pay the full debt service in the manner provided in paragraph (4).

(d) COMMUNITY AND TENANT INPUT.—In carrying out this section, the Secretary shall develop procedures to provide appropriate and timely notice to officials of the unit of general local government affected, the community in which the project is situated, and the tenants of the project.

(e) LIMITATION ON DEMONSTRATION AUTHORITY.—The Secretary may carry out demonstration programs under this section with respect to mortgages not to exceed 15,000 units. The demonstration authorized under this section shall not be expanded until the reports required under subsection (g) are submitted to the Congress.

(f) APPROPRIATION.—For the cost of modifying loans held or guaranteed by the Federal Housing Administration, as authorized by this subsection (a)(2) and subsection (c), \$30,000,000, to remain available until September 30, 1997: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

(g) REPORT TO CONGRESS.—The Secretary shall submit to the Congress every six months after the date of enactment of this Act a report describing and assessing the programs carried out under the demonstrations. The Secretary shall also submit a final report to the Congress not later than six months after the end of the demonstrations. The reports shall include findings and recommendations for any legislative action appropriate. The reports shall also include a description of the status of each multifamily housing project selected for the demonstrations under this section. The final report may include—

(1) the size of the projects;

- (2) the geographic locations of the projects, by State and region;
- (3) the physical and financial condition of the projects;
- (4) the occupancy profile of the projects, including the income, family size, race, and ethnic origin of current tenants, and the rents paid by such tenants;
- (5) a description of actions undertaken pursuant to this section, including a description of the effectiveness of such actions and any impediments to the transfer or sale of multifamily housing projects;
- (6) a description of the extent to which the demonstrations under this section have displaced tenants of multifamily housing projects;
- (7) a description of any of the functions performed in connection with this section that are transferred or contracted out to public or private entities or to States;
- (8) a description of the impact to which the demonstrations under this section have affected the localities and communities where the selected multifamily housing projects are located; and
- (9) a description of the extent to which the demonstrations under this section have affected the owners of multifamily housing projects.

ASSESSMENT COLLECTION DATES FOR OFFICE OF FEDERAL HOUSING  
ENTERPRISE OVERSIGHT

SEC. 211. Section 1316(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 4516(b)) is amended by striking paragraph (2) and inserting the following new paragraph:

“(2) TIMING OF PAYMENT.—The annual assessment shall be payable semiannually for each fiscal year, on October 1 and April 1.”.

MERGER LANGUAGE FOR ASSISTANCE FOR THE RENEWAL OF EXPIRING  
SECTION 8 SUBSIDY CONTRACTS AND ANNUAL CONTRIBUTIONS FOR  
ASSISTED HOUSING

SEC. 212. All remaining obligated and unobligated balances in the Renewal of Expiring Section 8 Subsidy Contracts account on September 30, 1995, shall immediately thereafter be transferred to and merged with the obligated and unobligated balances, respectively, of the Annual Contributions for Assisted Housing account.

DEBT FORGIVENESS

SEC. 213. (a) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Hubbard Hospital Authority of Hubbard, Texas, relating to the public facilities loan for Project Number PFL-TEX-215, issued under title II of the Housing Amendments of 1955. Such hospital authority is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

Hubbard  
Hospital  
Authority.  
Texas.

(b) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Groveton Texas Hospital Authority relating to the public facilities loan for Project Number TEX-41-PFL0162, issued under title II of the Housing Amendments of

Groveton Texas  
Hospital  
Authority.  
Texas.

Hepzibah Public  
Service District.  
West Virginia.

1955. Such hospital authority is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

(c) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Hepzibah Public Service District of Hepzibah, West Virginia, relating to the public facilities loan for Project Number WV-46-PFL0031, issued under title II of the Housing Amendments of 1955. Such public service district is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

#### CLARIFICATIONS

California.

SEC. 214. For purposes of Federal law, the Paul Mirabile Center in San Diego, California, including areas within such Center that are devoted to the delivery of supportive services, has been determined to satisfy the "continuum of care" requirements of the Department of Housing and Urban Development, and shall be treated as—

(a) consisting solely of residential units that (i) contain sleeping accommodations and kitchen and bathroom facilities, (ii) are located in a building that is used exclusively to facilitate the transition of homeless individuals (within the meaning of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302), as in effect on December 19, 1989) to independent living within 24 months, (iii) are suitable for occupancy, with each cubicle constituting a separate bedroom and residential unit, (iv) are used on other than a transient basis, and (v) shall be originally placed in service on November 1, 1995; and

(b) property that is entirely residential rental property, namely, a project for residential rental property.

#### EMPLOYMENT LIMITATIONS

SEC. 215. (a) By the end of fiscal year 1996 the Department of Housing and Urban Development shall employ no more than eight Assistant Secretaries, notwithstanding section 4(a) of the Department of Housing and Urban Development Act.

(b) By the end of fiscal year 1996 the Department of Housing and Urban Development shall employ no more than 77 schedule C and 20 non-career senior executive service employees.

#### USE OF FUNDS

SEC. 216. (a) Of the \$93,400,000 earmarked in Public Law 101-144 (103 Stat. 850), as amended by Public Law 101-302 (104 Stat. 237), for special projects and purposes, any amounts remaining of the \$500,000 made available to Bethlehem House in Highland, California, for site planning and loan acquisition shall instead be made available to the County of San Bernardino in California to assist with the expansion of the Los Padrinos Gang Intervention Program, the Unity Home Domestic Violence Shelter, and San Bernardino Drug Court Program.

(b) The amount made available for fiscal year 1995 for the removal of asbestos from an abandoned public school building in

Toledo, Ohio shall be made available for the renovation and rehabilitation of an industrial building at the University of Toledo in Toledo, Ohio.

#### LEAD-BASED PAINT ABATEMENT

SEC. 217. (a) Section 1011 of Title X—Residential Lead-Based Paint Hazard Reduction Act of 1992 is amended as follows: Strike “priority housing” wherever it appears in said section and insert “housing”. 42 USC 4852.

(b) Section 1011(a) shall be amended as follows: At the end of the subsection after the period, insert: “Grants shall only be made under this section to provide assistance for housing which meets the following criteria— Grants.

“(1) for grants made to assist rental housing, at least 50 percent of the units must be occupied by or made available to families with incomes at or below 50 percent of the area median income level and the remaining units shall be occupied or made available to families with incomes at or below 80 percent of the area median income level, and in all cases the landlord shall give priority in renting units assisted under this section, for not less than 3 years following the completion of lead abatement activities, to families with a child under the age of six years, except that buildings with five or more units may have 20 percent of the units occupied by families with incomes above 80 percent of area median income level;

“(2) for grants made to assist housing owned by owner-occupants, all units assisted with grants under this section shall be the principal residence of families with income at or below 80 percent of the area median income level, and not less than 90 percent of the units assisted with grants under this section shall be occupied by a child under the age of six years or shall be units where a child under the age of six years spends a significant amount of time visiting; and

“(3) notwithstanding paragraphs (1) and (2), Round II grantees who receive assistance under this section may use such assistance for priority housing.”.

#### EXTENSION PERIOD FOR SHARING UTILITY COST SAVINGS WITH PHAS

SEC. 218. Section 9(a)(3)(B)(i) of the United States Housing Act of 1937 is amended by striking “for a period not to exceed 6 years”. 42 USC 1437g.

#### MORTGAGE NOTE SALES

SEC. 219. The first sentence of section 221(g)(4)(C)(viii) of the National Housing Act is amended by striking “September 30, 1995” and inserting in lieu thereof “September 30, 1996”. 12 USC 1715l.

#### REPEAL OF FROST-LELAND

SEC. 220. Section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (Public Law 100-202; 101 Stat. 1329-213) is repealed.

#### FHA SINGLE-FAMILY ASSIGNMENT PROGRAM REFORM

SEC. 221. (a) CORRECTION TO FORECLOSURE AVOIDANCE PROVISION.—The penultimate proviso of section 204(a) of the National

Housing Act (12 U.S.C. 1710(a)), as added by section 407(a) of the Balanced Budget Downpayment Act, I (Public Law 104-99), is amended by striking "special foreclosure" and inserting in lieu thereof "special forbearance".

12 USC 1715u  
note.

(b) SAVINGS PROVISION.—(1) Any mortgage for which the mortgagor has applied to the Secretary, before the date of enactment of this Act, for assignment to the Secretary pursuant to section 230(b) of the National Housing Act shall continue to be governed by the provisions of such section, as in effect immediately before enactment of the Balanced Budget Downpayment Act, I.

12 USC 1715u.

(2) Section 230(d) of the National Housing Act, as amended by section 407(b) of the Balanced Budget Downpayment Act, I, is repealed.

12 USC 1710  
note.

(c) REGULATIONS.—(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue interim regulations to implement section 407 of the Balanced Budget Downpayment Act, I, and the amendments to the National Housing Act made by that section.

*Ante*, p. 45.

(2) Section 407(d) of the Balanced Budget Downpayment Act, I, is repealed.

(d) EXTENSION OF REFORM TO MORTGAGES ORIGINATED IN FISCAL YEAR 1996.—Section 407(c) of the Balanced Budget Downpayment Act, I, is amended by striking "originated before October 1, 1995" and inserting "executed before October 1, 1996".

#### SPENDING LIMITATIONS

SEC. 222. (a) None of the funds in this Act may be used by the Secretary to impose any sanction, or penalty because of the enactment of any State or local law or regulation declaring English as the official language.

(b) No part of any appropriation contained in this Act shall be used for lobbying activities as prohibited by law.

SEC. 223. None of the funds provided in this Act may be used during fiscal year 1996 to investigate or prosecute under the Fair Housing Act (42 U.S.C. 3601, et seq.) any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of non-frivolous legal action, that is engaged in solely for the purposes of achieving or preventing action by a Government official, entity, or court of competent jurisdiction.

SEC. 224. None of the funds provided in this Act may be used to take any enforcement action with respect to a complaint of discrimination under the Fair Housing Act (42 U.S.C. 3601, et seq.) on the basis of familial status and which involves an occupancy standard established by the housing provider except to the extent that it is found that there has been discrimination in contravention of the standards provided in the March 20, 1991 Memorandum from the General Counsel of the Department of Housing and Urban Development to all Regional Counsel or until such time that HUD issues a final rule in accordance with section 553 of title 5, United States Code.

#### CDBG ELIGIBLE ACTIVITIES

SEC. 225. Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (4)—

(A) by inserting "reconstruction," after "removal,"; and

(B) by striking “acquisition for rehabilitation, and rehabilitation” and inserting “acquisition for reconstruction or rehabilitation, and reconstruction or rehabilitation”;

(2) in paragraph (13), by striking “and” at the end;

(3) by striking paragraph (19);

(4) in paragraph (24), by striking “and” at the end;

(5) in paragraph (25), by striking the period at the end and inserting “; and”;

(6) by redesignating paragraphs (20) through (25) as paragraphs (19) through (24), respectively; and

(7) by redesignating paragraph (21) (as added by section 1012(f)(3) of the Housing and Community Development Act of 1992) as paragraph (25).

SEC. 226. The Secretary shall award for the community development grants program, as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), for the State of New York, not more than 35 percent of the funds made available for fiscal year 1996 for grants allocated for any multi-year commitment. The Secretary shall issue proposed and final rulemaking for the requirements of the community development grants program for the State of New York before issuing a Notice of Funding Availability for funds made available for fiscal year 1997.

Rules.

SEC. 227. All funds allocated for the State of New York for fiscal years 1995 and 1996 under the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) shall be made available to the Chief Executive Officer of the State, or an entity designated by the Chief Executive Officer, to be used for activities in accordance with the requirements of the HOME investment partnerships program, notwithstanding the memorandum from the General Counsel of the Department of Housing and Urban Development dated March 5, 1996.

SEC. 228. (a) The second sentence of section 236(f)(1) of the National Housing Act, as amended by section 405(d)(1) of The Balanced Budget Downpayment Act, I, is amended—

12 USC 1715z-1.

(1) by striking “or (ii)” and inserting “(ii)”; and

(2) by striking “located,” and inserting: “located, or (iii) the actual rent (as determined by the Secretary) paid for a comparable unit in comparable unassisted housing in the market area in which the housing assisted under this section is located,”

(b) The first sentence of section 236(g) of the National Housing Act is amended by inserting the phrase “on a unit-by-unit basis” after “collected”.

#### TECHNICAL CORRECTION TO MINIMUM RENT AUTHORITY

SEC. 229. Section 402(a) of the Balanced Budget Downpayment Act, I (Public Law 104-99), is amended by inserting after “as amended,” the following: “or section 206(d) of the Housing and Urban-Rural Recovery Act of 1983 (including section 206(d)(5) of such Act),”.

Ante, p. 40.

#### MINIMUM RENT WAIVER AUTHORITY

SEC. 230. Notwithstanding section 402(a) of the Balanced Budget Downpayment Act, I (Public Law 104-99), the Secretary of Housing and Urban Development or a public housing agency

(including an Indian housing authority) may waive the minimum rent requirement of that section to provide a transition period for affected families. The term of a waiver approved pursuant to this section may be retroactive, but may not apply for more than three months with respect to any family.

### TITLE III

## INDEPENDENT AGENCIES

### AMERICAN BATTLE MONUMENTS COMMISSION

#### SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; \$20,265,000, to remain available until expended: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

36 USC 121b.

36 USC 122.

36 USC 122a.

### DEPARTMENT OF THE TREASURY

#### COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

##### PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development financial institutions, and administrative expenses of the Fund, \$45,000,000, to remain available until September 30, 1997: *Provided*, That of the funds made available under this heading not to exceed \$4,000,000 may be used for the cost of direct loans, and not to exceed \$400,000 may be used for administrative expenses to carry out the direct loan program: *Provided further*, That the cost of direct loans, including the cost of modifying such loans, shall be defined as in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$28,440,000: *Provided further*, That none of these funds shall be used to supplement existing resources provided to the Department for activities such as external affairs, general counsel, administration, finance, or office of inspec-

tor general: *Provided further*, That none of these funds shall be available for expenses of an Administrator as defined in section 104 of the Community Development Banking and Financial Institutions Act of 1994 (CDBFI Act): *Provided further*, That notwithstanding any other provision of law, for purposes of administering the Community Development Financial Institutions Fund, the Secretary of the Treasury shall have all powers and rights of the Administrator of the CDBFI Act and the Fund shall be within the Department of the Treasury.

12 USC 4703  
note.

#### CONSUMER PRODUCT SAFETY COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$500 for official reception and representation expenses, \$40,000,000.

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

##### NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the "Act") (42 U.S.C. 12501 et seq.), \$400,500,000, of which \$265,000,000 shall be available for obligation from September 1, 1996, through September 30, 1997: *Provided*, That not more than \$25,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)): *Provided further*, That not more than \$2,500 shall be for official reception and representation expenses: *Provided further*, That not more than \$59,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.): *Provided further*, That not more than \$215,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the Americorps program), of which not more than \$40,000,000 may be used to administer, reimburse or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): *Provided further*, That not more than \$5,500,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): *Provided further*, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12581(b)): *Provided further*, That, to the maximum extent feasible, funds appropriated in the

Reports.

preceding proviso shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further*, That not more than \$18,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further*, That not more than \$43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (41 U.S.C. 12521 et seq.): *Provided further*, That not more than \$30,000,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): *Provided further*, That not more than \$5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639), of which up to \$500,000 shall be available for a study by the National Academy of Public Administration on the structure, organization, and management of the Corporation and activities supported by the Corporation, including an assessment of the quality, innovation, replicability, and sustainability without Federal funds of such activities, and the Federal and non-Federal cost of supporting participants in community service activities: *Provided further*, That no funds from any other appropriation, or from funds otherwise made available to the Corporation, shall be used to pay for personnel compensation and benefits, travel, or any other administrative expense for the Board of Directors, the Office of the Chief Executive Officer, the Office of the Managing Director, the Office of the Chief Financial Officer, the Office of National and Community Service Programs, the Civilian Community Corps, or any field office or staff of the Corporation working on the National and Community Service or Civilian Community Corps programs: *Provided further*, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal cost per participant in all programs: *Provided further*, That prior to September 30, 1996, the General Accounting Office shall report to the Congress the results of a study of State commission programs which evaluates the cost per participant, the commissions' ability to oversee the programs, and other relevant considerations.

## SENSE OF CONGRESS

It is the sense of the Congress that accounting for taxpayers' funds must be a top priority for all Federal agencies and Government corporations. The Congress is deeply concerned about the findings of the recent audit of the Corporation for National and Community Service required under the Government Corporation Control Act of 1945. The Congress urges the President to expeditiously nominate a qualified Chief Financial Officer for the Corporation. Further, to the maximum extent practicable and as quickly as possible, the Corporation should implement the recommendations of the independent auditors contracted for by the Corporation's Inspector General, as well as the Chief Financial Officer, to improve the financial management of taxpayers' funds. Should the Chief Financial Officer determine that additional resources are needed

to implement these recommendations, the Corporation should submit a reprogramming proposal for up to \$3,000,000 to carry out reforms of the financial management system.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$2,000,000.

#### COURT OF VETERANS APPEALS

##### SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. sections 7251-7292, \$9,000,000, of which not to exceed \$678,000, to remain available until September 30, 1997, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this head in Public Law 102-229.

#### DEPARTMENT OF DEFENSE—CIVIL CEMETERIAL EXPENSES, ARMY

##### SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, and not to exceed \$1,000 for official reception and representation expenses; \$11,946,000, to remain available until expended.

#### ENVIRONMENTAL PROTECTION AGENCY

##### SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed \$75,000 per project; \$525,000,000, which shall remain available until September 30, 1997.

##### ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations

which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project; and not to exceed \$6,000 for official reception and representation expenses; \$1,677,300,000, which shall remain available until September 30, 1997: *Provided*, That, notwithstanding any other provision of law, for this fiscal year and hereafter, an industrial discharger that is a pharmaceutical manufacturing facility and discharged to the Kalamazoo Water Reclamation Plant (an advanced wastewater treatment plant with activated carbon) prior to the date of enactment of this Act may be exempted from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met:

(1) the owner or operator of the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger,

(2) the State or Administrator, as applicable, approves such exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment and pollution removal equivalent to or better than that which would be required through a combination of pretreatment by such industrial discharger and treatment by the Kalamazoo Water Reclamation Plant in the absence of the exemption, and

(3) compliance with paragraph (2) is addressed by the provisions and conditions of a permit issued to the Kalamazoo Water Reclamation Plant under section 402 of such Act, and there exists an operative financial contract between the City of Kalamazoo and the industrial user and an approved local pretreatment program, including a joint monitoring program and local controls to prevent against interference and pass through.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$28,500,000.

#### BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or use by, the Environmental Protection Agency, \$110,000,000, to remain available until expended.

#### HAZARDOUS SUBSTANCE SUPERFUND

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project; not to exceed \$1,313,400,000, to remain available until expended, consisting of \$1,063,400,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of

1986 (SARA), as amended by Public Law 101-508 (of which, \$100,000,000 shall not become available until September 1, 1996), and \$250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101-508: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That \$11,000,000 of the funds appropriated under this heading shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996: *Provided further*, That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed \$59,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further*, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1996: *Provided further*, That none of the funds made available under this heading may be used by the Environmental Protection Agency to propose for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended (42 U.S.C. 9605), unless the Administrator receives a written request to propose for listing or to list a facility from the Governor of the State in which the facility is located, or unless legislation to reauthorize CERCLA is enacted.

#### LEAKING UNDERGROUND STORAGE TANK TRUST FUND

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$45,827,000, to remain available until expended: *Provided*, That no more than \$7,000,000 shall be available for administrative expenses: *Provided further*, That \$500,000 shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996.

#### OIL SPILL RESPONSE

##### (INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, \$15,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended: *Provided*, That not more than \$8,000,000 of these funds shall be available for administrative expenses.

## STATE AND TRIBAL ASSISTANCE GRANTS

33 USC 1281  
note.

33 USC 1281  
note.

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$2,813,000,<sup>3</sup> to remain available until expended, of which \$1,848,500,000 shall be for making capitalization grants for State revolving funds to support water infrastructure financing; \$100,000,000 for architectural, engineering, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; \$50,000,000 for grants to the State of Texas, which shall be matched by an equal amount of State funds from State resources, for the purpose of improving wastewater treatment for colonias; \$15,000,000 for grants to the State of Alaska, subject to an appropriate cost share as determined by the Administrator, to address wastewater infrastructure needs of rural and Alaska Native villages; and \$141,500,000 for making grants for the construction of wastewater treatment facilities and the development of groundwater in accordance with the terms and conditions specified for such grants in the Conference Reports and statements of the managers accompanying H.R. 2099 and this Act: *Provided*, That beginning in fiscal year 1996 and each fiscal year thereafter, and notwithstanding any other provision of law, the Administrator is authorized to make grants annually from funds appropriated under this heading, subject to such terms and conditions as the Administrator shall establish, to any State or federally recognized Indian tribe for multimedia or single media pollution prevention, control and abatement and related environmental activities at the request of the Governor or other appropriate State official or the tribe: *Provided further*, That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs: *Provided further*, That of the \$1,848,500,000 for capitalization grants for State revolving funds to support water infrastructure financing, \$500,000,000 shall be for drinking water State revolving funds, but if no drinking water State revolving fund legislation is enacted by August 1, 1996, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended: *Provided further*, That of the funds made available in Public Law 103-327 and in Public Law 103-124 for capitalization grants for State revolving funds to support water infrastructure financing, \$225,000,000 shall be made available for capitalization grants for State revolving funds under title VI of the Federal Water Pollution Control Act, as amended, if no drinking water State revolving fund legislation is enacted by August 1, 1996: *Provided further*, That of the funds made available under this heading for capitalization grants for State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended, \$50,000,000 shall be for wastewater treatment in impoverished communities pursuant to section 102(d) of H.R. 961 as approved by the United States House of Representatives on May 16, 1995: *Provided further*, That of the funds appropriated in the Construction Grants and Water Infrastructure/State Revolving Funds accounts since the appropria-

<sup>3</sup> Remainder of figure missing, complete figure probably should read "\$2,813,000,000".

tion for the fiscal year ending September 30, 1992, and hereafter, for making grants for wastewater treatment works construction projects, portions may be provided by the recipients to States for managing construction grant activities, on condition that the States agree to reimburse the recipients from State funding sources: *Provided further*, That the funds made available in Public Law 103-327 for a grant to the City of Mt. Arlington, New Jersey, in accordance with House Report 103-715, shall be available for a grant to that city for water and sewer improvements.

#### ADMINISTRATIVE PROVISIONS

SEC. 301. None of the funds provided in this Act may be used within the Environmental Protection Agency for any final action by the Administrator or her delegate for signing and publishing for promulgation of a rule concerning any new standard for radon in drinking water.

SEC. 302. None of the funds provided in this Act may be used during fiscal year 1996 to sign, promulgate, implement or enforce the requirement proposed as "Regulation of Fuels and Fuel Additives: Individual Foreign Refinery Baseline Requirements for Reformulated Gasoline" at volume 59 of the Federal Register at pages 22800 through 22814.

SEC. 303. None of the funds appropriated under this Act may be used to implement the requirements of section 186(b)(2), section 187(b) or section 211(m) of the Clean Air Act (42 U.S.C. 7512(b)(2), 7512a(b), or 7545(m)) with respect to any moderate nonattainment area in which the average daily winter temperature is below 0 degrees Fahrenheit. The preceding sentence shall not be interpreted to preclude assistance from the Environmental Protection Agency to the State of Alaska to make progress toward meeting the carbon monoxide standard in such areas and to resolve remaining issues regarding the use of oxygenated fuels in such areas.

SEC. 304. Notwithstanding any other provision of law, the Environmental Protection Agency shall: (1) transfer all real property acquired in Bay City, Michigan, for the creation of the Center for Ecology, Research and Training (CERT) to the City of Bay City or other local public or municipal entity; and (2) make a grant in fiscal year 1996 to the recipient of the property of not less than \$3,000,000 from funds previously appropriated for the CERT project for the purpose of environmental remediation and rehabilitation of real property included in the boundaries of the CERT project. The disposition of property shall be by donation or no-cost transfer and shall be made to the City of Bay City, Michigan or other local public or municipal entity.

Michigan.  
Public lands.

Further, notwithstanding any other provision of law, the agency shall have the authority to demolish or dispose of any improvements on such real property, or to donate, sell, or transfer any personal property or improvements on such real property to members of the general public, by auction or public sale, and to apply any funds received to costs related to the transfer of the real property authorized hereunder.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed \$2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$4,981,000: *Provided*, That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Improvement Act of 1970 and Reorganization Plan No. 1 of 1977, \$2,150,000.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$222,000,000, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, \$2,155,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$25,000,000.

In addition, for administrative expenses to carry out the direct loan program, \$95,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed \$2,500 for official reception and representation expenses; \$168,900,000.

## OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$4,673,000.

## EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404-405), and Reorganization Plan No. 3 of 1978, \$203,044,000.

## EMERGENCY FOOD AND SHELTER PROGRAM

Notwithstanding any other provision of law, for fiscal year 1996, there is hereby appropriated a total of \$100,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program pursuant to title III of Public Law 100-77, as amended: *Provided*, That total administrative costs shall not exceed three and one-half per centum of the total appropriation.

## NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, and the National Flood Insurance Reform Act of 1994, not to exceed \$20,562,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed \$70,464,000 for flood mitigation, including up to \$12,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968, as amended, which amount shall be available until September 30, 1997. In fiscal year 1996, no funds in excess of (1) \$47,000,000 for operating expenses, (2) \$292,526,000 for agents' commissions and taxes, and (3) \$3,500,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

## ADMINISTRATIVE PROVISION

The Director of the Federal Emergency Management Agency shall promulgate through rulemaking a methodology for assessment and collection of fees to be assessed and collected beginning in fiscal year 1996 applicable to persons subject to the Federal Emergency Management Agency's radiological emergency preparedness regulations. The aggregate charges assessed pursuant to this section during fiscal year 1996 shall approximate, but not be less than, 100 per centum of the amounts anticipated by the Federal Emergency Management Agency to be obligated for its radiological emergency preparedness program for such fiscal year. The methodology for assessment and collection of fees shall be fair and equitable, Rules.

and shall reflect the full amount of costs of providing radiological emergency planning, preparedness, response and associated services. Such fees will be assessed in a manner that reflects the use of agency resources for classes of regulated persons and the administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the general fund of the Treasury as offsetting receipts. Assessment and collection of such fees are only authorized during fiscal year 1996.

#### GENERAL SERVICES ADMINISTRATION

##### CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, \$2,061,000, to be deposited into the Consumer Information Center Fund: *Provided*, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of \$7,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1996 shall not exceed \$2,602,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1996 in excess of \$7,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, \$1,800,000: *Provided*, That notwithstanding any other provision of law, that Office may accept and deposit to this account, during fiscal year 1996, gifts for the purpose of defraying its costs of printing, publishing, and distributing consumer information and educational materials; may expend up to \$1,110,000 of those gifts for those purposes, in addition to amounts otherwise appropriated; and the balance shall remain available for expenditure for such purposes to the extent authorized in subsequent appropriations Acts: *Provided further*, That none of the funds provided under this heading may be made available for any other activities within the Department of Health and Human Services.

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

##### HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research; development; operations; services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; \$5,456,600,000, to remain available until September 30, 1997.

## SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, for the conduct and support of science, aeronautics, and technology research and development activities, including research; development; operations; services; maintenance; construction of facilities including repair, rehabilitation and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; \$5,928,900,000, to remain available until September 30, 1997.

## MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed \$35,000 for official reception and representation expenses; and purchase (not to exceed thirty-three for replacement only) and hire of passenger motor vehicles; \$2,502,200,000, to remain available until September 30, 1997.

## OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$16,000,000.

## ADMINISTRATIVE PROVISIONS

## (INCLUDING TRANSFER OF FUNDS)

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, the amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in "Mission support" pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 1998.

Notwithstanding the limitation on the availability of funds appropriated for "Mission support" and "Office of Inspector General", amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 1996 and may be used to enter into contracts for training, investigations, cost associated with personnel relocation, and for other services, to be provided during the next fiscal year.

The unexpired balances of prior appropriations to NASA for activities for which funds are provided under this Act may be transferred to the new account established for the appropriation that provides funds for such activity under this Act. Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund to be available for the same purposes and under the same terms and conditions.

Upon the determination by the Administrator that such action is necessary, the Administrator may, with the approval of the Office of Management and Budget, transfer not to exceed \$50,000,000 of funds made available in this Act to the National Aeronautics and Space Administration between such appropriations or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen requirements, than those for which originally appropriated: *Provided further*, That the Administrator of the National Aeronautics and Space Administration shall notify the Congress promptly of all transfers made pursuant to this authority.

Notification.

Ante, p. 38.

Notwithstanding section 202 of Public Law 104-99, section 212 of Public Law 104-99 shall remain in effect as if enacted as part of this Act.

Within its Mission to Planet Earth program, NASA is urged to fund Phase A studies for a radar satellite initiative.

#### NATIONAL CREDIT UNION ADMINISTRATION

##### CENTRAL LIQUIDITY FACILITY

During fiscal year 1996, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed \$600,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 1996 shall not exceed \$560,000.

#### NATIONAL SCIENCE FOUNDATION

##### RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; \$2,314,000,000, of which not to exceed \$235,000,000 shall remain available until expended for Polar research and operations support, and for

reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 1997: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

#### MAJOR RESEARCH EQUIPMENT

For necessary expenses in carrying out major construction projects, and related expenses, pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), \$70,000,000, to remain available until expended.

#### ACADEMIC RESEARCH INFRASTRUCTURE

For necessary expenses in carrying out an academic research infrastructure program pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, \$100,000,000, to remain available until September 30, 1997.

#### EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, \$599,000,000, to remain available until September 30, 1997: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

#### SALARIES AND EXPENSES

For necessary salaries and expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; \$127,310,000: *Provided*, That contracts may be entered into under salaries and expenses in fiscal year 1996 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$4,490,000, to remain available until September 30, 1997.

NATIONAL SCIENCE FOUNDATION HEADQUARTERS RELOCATION

For necessary support of the relocation of the National Science Foundation, \$5,200,000: *Provided*, That these funds shall be used to reimburse the General Services Administration for services and related acquisitions in support of relocating the National Science Foundation.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$38,667,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101-4118) for civilian employees; and not to exceed \$1,000 for official reception and representation expenses; \$22,930,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by the Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1996 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso

shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

#### RESOLUTION TRUST CORPORATION

##### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$11,400,000.

#### TITLE V

#### GENERAL PROVISIONS

SEC. 501. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

SEC. 502. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 503. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Resolution Trust Corporation, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 506. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under title 31, United States Code, section 1344.

SEC. 507. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 508. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for Level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 509. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 510. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 511. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evalua-

Contracts.  
Public  
information.

Records.

tions, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

SEC. 512. Except as otherwise provided in section 506, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 513. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 514. Such sums as may be necessary for fiscal year 1996 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 515. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than \$300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

Reports.

SEC. 516. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 517. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A-21.

SEC. 518. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 519. In fiscal year 1996, the Director of the Federal Emergency Management Agency shall sell the disaster housing inventory of mobile homes and trailers, and the proceeds thereof shall be deposited in the Treasury.

SEC. 520. Such funds as may be necessary to carry out the orderly termination of the Office of Consumer Affairs shall be made available from funds appropriated to the Department of Health and Human Services for fiscal year 1996.

Government organization.

SEC. 521. Upon enactment of this Act, the provisions of section 201(b) of Public Law 104-99, except the last proviso, are superseded.

Ante, p. 36.

This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996".

Supplemental  
Appropriations  
Act of 1996.

**TITLE II—SUPPLEMENTAL APPROPRIATIONS FOR THE  
FISCAL YEAR ENDING SEPTEMBER 30, 1996**

**CHAPTER 1**

**DEPARTMENT OF AGRICULTURE**

**FOOD SAFETY AND INSPECTION SERVICE**

Certification.

Of the funds appropriated by Public Law 104-37 or otherwise made available to the Food Safety and Inspection Service for fiscal year 1996, not less than \$363,000,000 shall be available for salaries and benefits of in-plant personnel: *Provided*, That this limitation shall not apply if the Secretary of Agriculture certifies to the House and Senate Committees on Appropriations that a lesser amount will be adequate to fully meet in-plant inspection requirements for the fiscal year.

**NATURAL RESOURCES CONSERVATION SERVICE**

**WATERSHED AND FLOOD PREVENTION OPERATIONS**

President.

For an additional amount for "Watershed and Flood Prevention Operations" to repair damages to waterways and watersheds resulting from flooding in the Pacific Northwest, the Northeast blizzards and floods, and other natural disasters, \$80,514,000, to remain available until expended: *Provided*, That if the Secretary determines that the cost of land and farm structures restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts, not to exceed \$7,288,000, from funds provided under this heading to accept bids from willing sellers to provide conservation easements for such cropland inundated by floods as provided for by the Wetlands Reserve Program, authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837): *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$80,514,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

**CONSOLIDATED FARM SERVICE AGENCY**

**EMERGENCY CONSERVATION PROGRAM**

For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201-2205) for expenses resulting from floods in the Pacific Northwest and other natural disasters, \$30,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE

## RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for "Rural housing insurance fund program account" for the additional cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for emergency expenses resulting from flooding in the Pacific Northwest, the Northeast blizzards and floods, Hurricane Marilyn, and other natural disasters, to be available from funds in the rural housing insurance fund as follows: \$5,000,000 for section 502 direct loans and \$1,500,000 for section 504 housing repair loans, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## VERY LOW-INCOME HOUSING REPAIR GRANTS

For an additional amount for "Very low-income housing repair grants" under section 504 of the Housing Act of 1949, as amended, for emergency expenses resulting from flooding in the Pacific Northwest, the Northeast blizzards and floods, Hurricane Marilyn, and other natural disasters, \$1,100,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## RURAL UTILITIES SERVICE

## RURAL UTILITIES ASSISTANCE PROGRAM

For an additional amount for the "Rural Utilities Assistance Program" for the cost of direct loans and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, to assist in the recovery from flooding in the Pacific Northwest and other natural disasters, \$11,000,000, to remain available until expended: *Provided*, That such funds may be available for emergency community water assistance grants as authorized by 7 U.S.C. 1926b: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## GENERAL PROVISIONS

## SECTION 2001. SEAFOOD SAFETY.

Notwithstanding any other provision of law, any domestic fish or fish product produced in compliance with food safety standards or procedures accepted by the Food and Drug Administration as satisfying the requirements of the "Procedures for the Safe and Sanitary Processing and Importing of Fish and Fish Products" (published by the Food and Drug Administration as a final regulation in the Federal Register of December 18, 1995), shall be deemed to have met any inspection requirements of the Department of Agriculture or other Federal agency for any Federal commodity

purchase program, including the program authorized under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) except that the Department of Agriculture or other Federal agency may utilize lot inspection to establish a reasonable degree of certainty that fish or fish products purchased under a Federal commodity purchase program, including the program authorized under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), meet Federal product specifications.

7 USC 1941 note. **SEC. 2002.**

Notwithstanding any other provision of law, the Secretary of Agriculture is hereby authorized to make or guarantee an operating loan under Subtitle B or an emergency loan under Subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 et. seq.), as in effect prior to April 4, 1996, to a loan applicant who was less than 90 days delinquent on April 4, 1996, if the loan applicant had submitted an application for the loan prior to April 5, 1996.

FDA Export  
Reform and  
Enhancement  
Act of 1996.

## CHAPTER 1A

### FOOD AND DRUG EXPORT REFORM

#### **SEC. 2101. SHORT TITLE; REFERENCE.**

21 USC 301 note.

(a) **SHORT TITLE.**—This chapter may be cited as the “FDA Export Reform and Enhancement Act of 1996”.

(b) **REFERENCE.**—Wherever in this chapter (other than in section 2104) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act. (21 U.S.C. 321 et seq.)

#### **SEC. 2102. EXPORT OF DRUGS AND DEVICES.**

(a) **IMPORTS FOR EXPORT.**—Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (d), by adding at the end thereof the following:

“(3) No component of a drug, no component part or accessory of a device which is ready or suitable for use for health-related purposes, and no food additive, color additive, or dietary supplement, including a product in bulk form, shall be excluded from importation into the United States under subsection (a) if—

“(A) the importer of such article of a drug or device or importer of the food additive, color additive, or dietary supplement submits a statement to the Secretary, at the time of initial importation, that such article of a drug or device, food additive, color additive, or dietary supplement is intended to be incorporated by the initial owner or consignee into a drug, biological product, device, food, food additive, color additive, or dietary supplement that will be exported by such owner or consignee from the United States in accordance with section 801(e) or 802 or section 351(h) of the Public Health Service Act;

“(B) the initial owner or consignee responsible for such imported article maintains records that identify the use of such imported article and upon request of the Secretary submits a report that provides an accounting of the exportation or

Records.  
Reports.

the disposition of the imported article, including portions that have been destroyed, and the manner in which such person complied with the requirements of this paragraph; and

“(C) any imported component, part, or accessory of a drug or device and any food additive, color additive, or dietary supplement not incorporated as described in subparagraph (A) is destroyed or exported by the owner or consignee.

“(4) The importation into the United States of blood, blood components, source plasma, or source leukocytes or of a component, accessory, or part thereof is not permitted pursuant to paragraph (3) unless the importation complies with section 351(a) of the Public Health Service Act or the Secretary permits the importation under appropriate circumstances and conditions, as determined by the Secretary. The importation of tissue or a component or part of tissue is not permitted pursuant to paragraph (3) unless the importation complies with section 361 of the Public Health Service Act.”.

(b) EXPORT OF CERTAIN PRODUCTS.—Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (e)(1), by striking the second sentence;

(2) in subsection (e)(2)—

(A) by striking “the Secretary” and inserting “either (i) the Secretary”; and

(B) by inserting before the period at the end thereof the following: “or (ii) the device is eligible for export under section 802”; and

(3) in subsection (e), by adding at the end thereof the following:;

“(3) A new animal drug that requires approval under section 512 shall not be exported pursuant to paragraph (1) if such drug has been banned in the United States.

“(4)(A) Any person who exports a drug, animal drug, or device may request that the Secretary—

“(i) certify in writing that the exported drug, animal drug, or device meets the requirements of paragraph (1) or section 802; or

“(ii) certify in writing that the drug, animal drug, or device being exported meets the applicable requirements of this Act upon a showing that the drug or device meets the applicable requirements of this Act.

The Secretary shall issue such a certification within 20 days of the receipt of a request for such certification.

Certification.

“(B) If the Secretary issues a written export certification within the 20 days prescribed by subparagraph (A), a fee for such certification may be charged but shall not exceed \$175 for each certification. Fees collected for a fiscal year pursuant to this subparagraph shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration and shall be available in accordance with appropriations Acts until expended without fiscal year limitation. Such fees shall be collected in each fiscal year in an amount equal to the amount specified in appropriations Acts for such fiscal year and shall only be collected and available for the costs of the Food and Drug Administration.”.

(c) LABELING OF EXPORTED DRUGS.—Section 801 (21 U.S.C. 381) is amended by adding at the end the following:

“(f)(1) If a drug being exported in accordance with subsection (e) is being exported to a country that has different or additional

labeling requirements or conditions for use and such country requires the drug to be labeled in accordance with those requirements or uses, such drug may be labeled in accordance with such requirements and conditions for use in the country to which such drug is being exported if it also is labeled in accordance with the requirements of this Act.

“(2) If, pursuant to paragraph (1), the labeling of an exported drug includes conditions for use that have not been approved under this Act, the labeling must state that such conditions for use have not been approved under this Act.”.

(d) EXPORT OF CERTAIN UNAPPROVED DRUGS AND DEVICES.—

(1) AMENDMENT.—Section 802 (21 U.S.C. 382) is amended to read as follows:

“EXPORTS OF CERTAIN UNAPPROVED PRODUCTS

“SEC. 802. (a) A drug or device—

“(1) which, in the case of a drug—

“(A)(i) requires approval by the Secretary under section 505 before such drug may be introduced or delivered for introduction into interstate commerce; or

“(ii) requires licensing by the Secretary under section 351 of the Public Health Service Act or by the Secretary of Agriculture under the Act of March 4, 1913 (known as the Virus-Serum Toxin Act) before it may be introduced or delivered for introduction into interstate commerce;

“(B) does not have such approval or license; and

“(C) is not exempt from such sections or Act; and

“(2) which, in the case of a device—

“(A) does not comply with an applicable requirement under section 514 or 515;

“(B) under section 520(g) is exempt from either such section; or

“(C) is a banned device under section 516, is adulterated, misbranded, and in violation of such sections or Act unless the export of the drug or device is, except as provided in subsection (f), authorized under subsection (b), (c), (d), or (e) or section 801(e)(2). If a drug or device described in paragraphs (1) and (2) may be exported under subsection (b) and if an application for such drug or device under section 505 or 515 or section 351 of the Public Health Service Act was disapproved, the Secretary shall notify the appropriate public health official of the country to which such drug will be exported of such disapproval.

“(b)(1)(A) A drug or device described in subsection (a) may be exported to any country, if the drug or device complies with the laws of that country and has valid marketing authorization by the appropriate authority—

“(i) in Australia, Canada, Israel, Japan, New Zealand, Switzerland, or South Africa; or

“(ii) in the European Union or a country in the European Economic Area (the countries in the European Union and the European Free Trade Association) if the drug or device is marketed in that country or the drug or device is authorized for general marketing in the European Economic Area.

“(B) The Secretary may designate an additional country to be included in the list of countries described in clauses (i) and

(ii) of subparagraph (A) if all of the following requirements are met in such country:

“(i) Statutory or regulatory requirements which require the review of drugs and devices for safety and effectiveness by an entity of the government of such country and which authorize the approval of only those drugs and devices which have been determined to be safe and effective by experts employed by or acting on behalf of such entity and qualified by scientific training and experience to evaluate the safety and effectiveness of drugs and devices on the basis of adequate and well-controlled investigations, including clinical investigations, conducted by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs and devices.

“(ii) Statutory or regulatory requirements that the methods used in, and the facilities and controls used for—

“(I) the manufacture, processing, and packing of drugs in the country are adequate to preserve their identity, quality, purity, and strength; and

“(II) the manufacture, preproduction design validation, packing, storage, and installation of a device are adequate to assure that the device will be safe and effective.

“(iii) Statutory or regulatory requirements for the reporting of adverse reactions to drugs and devices and procedures to withdraw approval and remove drugs and devices found not to be safe or effective.

“(iv) Statutory or regulatory requirements that the labeling and promotion of drugs and devices must be in accordance with the approval of the drug or device.

“(v) The valid marketing authorization system in such country or countries is equivalent to the systems in the countries described in clauses (i) and (ii) of subparagraph (A).

The Secretary shall not delegate the authority granted under this subparagraph.

“(C) An appropriate country official, manufacturer, or exporter may request the Secretary to take action under subparagraph (B) to designate an additional country or countries to be added to the list of countries described in clauses (i) and (ii) of subparagraph (A) by submitting documentation to the Secretary in support of such designation. Any person other than a country requesting such designation shall include, along with the request, a letter from the country indicating the desire of such country to be designated.

“(2) A drug described in subsection (a) may be directly exported to a country which is not listed in clause (i) or (ii) of paragraph (1)(A) if—

“(A) the drug complies with the laws of that country and has valid marketing authorization by the responsible authority in that country; and

“(B) the Secretary determines that all of the following requirements are met in that country:

“(i) Statutory or regulatory requirements which require the review of drugs for safety and effectiveness by an entity of the government of such country and which authorize the approval of only those drugs which have been determined to be safe and effective by experts employed by or acting on behalf of such entity and qualified by scientific training and experience to evaluate the safety

and effectiveness of drugs on the basis of adequate and well-controlled investigations, including clinical investigations, conducted by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs.

“(ii) Statutory or regulatory requirements that the methods used in, and the facilities and controls used for the manufacture, processing, and packing of drugs in the country are adequate to preserve their identity, quality, purity, and strength.

“(iii) Statutory or regulatory requirements for the reporting of adverse reactions to drugs and procedures to withdraw approval and remove drugs found not to be safe or effective.

“(iv) Statutory or regulatory requirements that the labeling and promotion of drugs must be in accordance with the approval of the drug.

“(3) The exporter of a drug described in subsection (a) which would not meet the conditions for approval under this Act or conditions for approval of a country described in clause (i) or (ii) of paragraph (1)(A) may petition the Secretary for authorization to export such drug to a country which is not described in clause (i) or (ii) of paragraph (1)(A) or which is not described in paragraph (2). The Secretary shall permit such export if—

“(A) the person exporting the drug—

“(i) certifies that the drug would not meet the conditions for approval under this Act or the conditions for approval of a country described in clause (i) or (ii) of paragraph (1)(A); and

“(ii) provides the Secretary with credible scientific evidence, acceptable to the Secretary, that the drug would be safe and effective under the conditions of use in the country to which it is being exported; and

“(B) the appropriate health authority in the country to which the drug is being exported—

“(i) requests approval of the export of the drug to such country;

“(ii) certifies that the health authority understands that the drug is not approved under this Act or in a country described in clause (i) or (ii) of paragraph (1)(A); and

“(iii) concurs that the scientific evidence provided pursuant to subparagraph (A) is credible scientific evidence that the drug would be reasonably safe and effective in such country.

The Secretary shall take action on a request for export of a drug under this paragraph within 60 days of receiving such request.

“(c) A drug or device intended for investigational use in any country described in clause (i) or (ii) of subsection (b)(1)(A) may be exported in accordance with the laws of that country and shall be exempt from regulation under section 505(i) or 520(g).

“(d) A drug or device intended for formulation, filling, packaging, labeling, or further processing in anticipation of market authorization in any country described in clause (i) or (ii) of subsection (b)(1)(A) may be exported for use in accordance with the laws of that country.

"(e)(1) A drug or device which is used in the diagnosis, prevention, or treatment of a tropical disease or another disease not of significant prevalence in the United States and which does not otherwise qualify for export under this section shall, upon approval of an application, be permitted to be exported if the Secretary finds that the drug or device will not expose patients in such country to an unreasonable risk of illness or injury and the probable benefit to health from the use of the drug or device (under conditions of use prescribed, recommended, or suggested in the labeling or proposed labeling of the drug or device) outweighs the risk of injury or illness from its use, taking into account the probable risks and benefits of currently available drug or device treatment.

"(2) The holder of an approved application for the export of a drug or device under this subsection shall report to the Secretary—

Reports.

"(A) the receipt of any credible information indicating that the drug or device is being or may have been exported from a country for which the Secretary made a finding under paragraph (1)(A) to a country for which the Secretary cannot make such a finding; and

"(B) the receipt of any information indicating adverse reactions to such drug.

"(3)(A) If the Secretary determines that—

"(i) a drug or device for which an application is approved under paragraph (1) does not continue to meet the requirements of such paragraph; or

"(ii) the holder of an approved application under paragraph (1) has not made the report required by paragraph (2),

the Secretary may, after providing the holder of the application an opportunity for an informal hearing, withdraw the approved application.

"(B) If the Secretary determines that the holder of an approved application under paragraph (1) or an importer is exporting a drug or device from the United States to an importer and such importer is exporting the drug or device to a country for which the Secretary cannot make a finding under paragraph (1) and such export presents an imminent hazard, the Secretary shall immediately prohibit the export of the drug or device to such importer, provide the person exporting the drug or device from the United States prompt notice of the prohibition, and afford such person an opportunity for an expedited hearing.

"(f) A drug or device may not be exported under this section—

"(1) if the drug or device is not manufactured, processed, packaged, and held in substantial conformity with current good manufacturing practice requirements or does not meet international standards as certified by an international standards organization recognized by the Secretary;

"(2) if the drug or device is adulterated under clause (1), (2)(A), or (3) of section 501(a) or subsection (c) or (d) of section 501;

"(3) if the requirements of subparagraphs (A) through (D) of section 801(e)(1) have not been met;

"(4)(A) if the drug or device is the subject of a notice by the Secretary or the Secretary of Agriculture of a determination that the probability of reimportation of the exported drug or device would present an imminent hazard to the public health and safety of the United States and the only means

of limiting the hazard is to prohibit the export of the drug or device; or

“(B) if the drug or device presents an imminent hazard to the public health of the country to which the drug or device would be exported;

“(5) if the drug or device is not labeled—

“(A) in accordance with the requirements and conditions for use in—

“(i) the country in which the drug or device received valid marketing authorization under subsection (b); and

“(ii) the country to which the drug or device would be exported; and

“(B) in the language and units of measurement of the country to which the drug or device would be exported or in the language designated by such country; or

“(6) if the drug or device is not promoted in accordance with the labeling requirements set forth in paragraph (5).

In making a finding under paragraph (4)(B), (5), or (6) the Secretary shall consult with the appropriate public health official in the affected country.

“(g) The exporter of a drug or device exported under subsection (b)(1) shall provide a simple notification to the Secretary identifying the drug or device when the exporter first begins to export such drug or device to any country listed in clause (i) or (ii) of subsection (b)(1)(A). When an exporter of a drug or device first begins to export a drug or device to a country which is not listed in clause (i) or (ii) of subsection (b)(1)(A), the exporter shall provide a simple notification to the Secretary identifying the drug or device and the country to which such drug or device is being exported. Any exporter of a drug or device shall maintain records of all drugs or devices exported and the countries to which they were exported.

“(h) For purposes of this section—

“(1) a reference to the Secretary shall in the case of a biological product which is required to be licensed under the Act of March 4, 1913 (37 Stat. 832-833) (commonly known as the Virus-Serum Toxin Act) be considered to be a reference to the Secretary of Agriculture, and

“(2) the term ‘drug’ includes drugs for human use as well as biologicals under section 351 of the Public Health Service Act or the Act of March 4, 1913 (37 Stat. 832-833) (commonly known as the Virus-Serum Toxin Act).”

(2) CONFORMING AMENDMENTS.—Section 351(h) of the Public Health Service Act (42 U.S.C. 262(h)) is amended by striking “802(b)(A)” and inserting “802(b)(1)” and by striking “802(b)(4)” and inserting “802(b)(1)”.

#### SEC. 2103. PROHIBITED ACT.

Section 301 (21 U.S.C. 331) is amended—

(1) by redesignating the second subsection (u) as subsection (v); and

(2) by adding at the end thereof the following:

“(w) The making of a knowingly false statement in any record or report required or requested under subparagraph (A) or (B) of section 801(d)(3), the failure to submit or maintain records as required by sections 801(d)(3)(A) and 801(d)(3)(B), the release into interstate commerce of any article imported into the United States

Records.

under section 801(d)(3) or any finished product made from such article (except for export in accordance with section 801(e) or 802 or section 351(h) of the Public Health Service Act), or the failure to export or destroy any component, part or accessory not incorporated into a drug, biological product or device that will be exported in accordance with section 801(e) or 802 or section 351(h) of the Public Health Service Act.”.

#### SEC. 2104. PARTIALLY PROCESSED BIOLOGICAL PRODUCTS.

Subsection (h) of section 351 of the Public Health Service Act (42 U.S.C. 262) is amended to read as follows:

“(h) A partially processed biological product which—

“(1) is not in a form applicable to the prevention, treatment, or cure of diseases or injuries of man;

“(2) is not intended for sale in the United States; and

“(3) is intended for further manufacture into final dosage form outside the United States,

shall be subject to no restriction on the export of the product under this Act or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et. seq.) if the product is manufactured, processed, packaged, and held in conformity with current good manufacturing practice requirements or meets international manufacturing standards as certified by an international standards organization recognized by the Secretary and meets the requirements of section 801(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)).”.

SEC. 2105. (a) IN GENERAL.—Any owner on the date of enactment of this Act of the right to market a nonsteroidal antiinflammatory drug that—

(1) contains a previously patented active agent;

(2) has been reviewed by the Federal Food and Drug Administration for a period of more than 120 months as a new drug application; and

(3) was approved as safe and effective by the Federal Food and Drug Administration on October 29, 1992, shall be entitled, for the 2-year period beginning on October 29, 1997, to exclude others from making, using, offering for sale, selling, or importing into the United States such active agent, in accordance with section 154(a)(1) of title 35, United States Code.

(b) INFRINGEMENT.—Section 271 of title 35, United States Code shall apply to the infringement of the entitlement provided under subsection (a). No application described in section 271(e)(2)(A) of title 35, United States Code, regardless of purpose, may be submitted prior to the expiration of the entitlement provided under subsection (a).

(c) NOTIFICATION.—Not later than 30 days after the date of the enactment of this Act, any owner granted an entitlement under subsection (a) shall notify the Commissioner of Patents and Trademarks and the Secretary for Health and Human Services of such entitlement. Not later than 7 days after the receipt of such notice, the Commissioner and the Secretary shall publish an appropriate notice of the receipt of such notice.

Publication.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE  
JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for emergency expenses including mitigation relating to flooding and other natural disasters, \$18,000,000, to remain available until expended, for grants and related expenses pursuant to the Public Works and Economic Development Act of 1965, as amended, and for administrative expenses which may be transferred to and merged with the appropriations for "Salaries and expenses": *Provided*, That the entire amount is hereby designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to Congress.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from flooding in the Pacific Northwest and other natural disasters, \$7,500,000, to remain available until expended: *Provided*, That the entire amount is hereby designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster Loans Program Account", \$71,000,000 for the cost of direct loans, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974; and for administrative expenses to carry out the disaster loan program, \$29,000,000, to remain available until expended: *Provided*, That both amounts are hereby designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## CHAPTER 3

## DEPARTMENT OF DEFENSE—CIVIL

## DEPARTMENT OF THE ARMY

## CORPS OF ENGINEERS—CIVIL

## GENERAL INVESTIGATIONS

Any funds heretofore appropriated and made available in Public Law 102-104 and Public Law 102-377 to carry out the provisions for the project for navigation, St. Louis Harbor, Missouri and Illinois; may be utilized by the Secretary of the Army in carrying out the Upper Mississippi and Illinois Waterway System Navigation Study, Iowa, Illinois, Missouri, Wisconsin, Minnesota, in fiscal year 1996 or until expended.

## OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General", for the Northeast and Northwest floods of 1996, \$30,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", for the Northeast and Northwest floods of 1996 and other disasters, and to replenish funds transferred pursuant to Public Law 84-99, \$135,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(D)(2)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## DEPARTMENT OF THE INTERIOR

## BUREAU OF RECLAMATION

## CONSTRUCTION PROGRAM

For an additional amount for "Construction Program", \$9,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(D)(2)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## DEPARTMENT OF ENERGY

## ATOMIC ENERGY DEFENSE ACTIVITIES

## OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities", for the Materials Protection, Control and Accounting program, \$15,000,000 to remain available until expended, not withstanding any other provision of law.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE,  
WESTERN AREA POWER ADMINISTRATION

(TRANSFER OF FUNDS)

\$5,500,000 of funds appropriated under this heading in the Energy and Water Development Appropriations Act, 1995 (Public Law 103-316), shall be transferred to the appropriation account "Operation and Maintenance, Alaska Power Administration", to remain available until expended, only for necessary termination expenses.

CHAPTER 4

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED  
PROGRAMS

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

UNANTICIPATED NEEDS FOR DEFENSE OF ISRAEL AGAINST  
TERRORISM

For emergency expenses necessary to meet unanticipated needs for the acquisition and provision of goods, services, and/or grants for Israel necessary to support the eradication of terrorism in and around Israel, \$50,000,000: *Provided*, That none of the funds appropriated in this paragraph shall be available for obligation except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY ASSISTANCE

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program" for grants for Jordan pursuant to section 23 of the Arms Export Control Act, \$70,000,000: *Provided*, That such funds may be used for Jordan to finance transfers by lease of defense articles under chapter 6 of such Act.

CHAPTER 5

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION AND ACCESS

For an additional amount for "Construction and Access", \$5,000,000, to remain available until expended, to repair roads,

culverts, bridges, facilities, fish and wildlife protective structures, and recreation sites, damaged due to the Pacific Northwest flooding: *Provided*, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$758,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

President.

## OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for "Oregon and California Grant Lands", \$35,000,000, to remain available until expended, to repair roads, culverts, bridges, facilities, fish and wildlife protective structures, and recreation sites, damaged due to the Pacific Northwest flooding: *Provided*, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$15,452,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

President.

## UNITED STATES FISH AND WILDLIFE SERVICE

## RESOURCE MANAGEMENT

For an additional amount for Resource Management, \$1,600,000, to remain available until expended, to provide technical assistance to the Natural Resource Conservation Service, the Federal Emergency Management Agency, the United States Army Corps of Engineers and other agencies on fish and wildlife habitat issues related to damage caused by floods, storms and other acts of nature: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## CONSTRUCTION

For an additional amount for "Construction", \$37,300,000, to remain available until expended, to repair damage caused by hurricanes, floods and other acts of nature, and to protect natural resources *Provided*, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985,

President.

as amended: *Provided further*, That \$16,795,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## NATIONAL PARK SERVICE

## CONSTRUCTION

President.

For an additional amount for "Construction", \$47,000,000, to remain available until expended, to repair damage caused by hurricanes, floods and other acts of nature: *Provided* that Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$13,399,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## UNITED STATES GEOLOGICAL SURVEY

## SURVEYS, INVESTIGATIONS, AND RESEARCH

President.

For an additional amount for "Surveys, investigations, and research", \$2,000,000, to remain available until September 30, 1997, for the costs related to hurricanes, floods and other acts of nature: *Provided*, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$824,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## BUREAU OF INDIAN AFFAIRS

## OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", \$500,000, to remain available until September 30, 1997, for emergency operations and repairs related to winter floods: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## CONSTRUCTION

For an additional amount for "Construction", \$16,500,000, to remain available until expended, for emergency repairs related to winter floods: *Provided*, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Con-

trol Act of 1985, as amended: *Provided further*, That \$7,072,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress. President.

## TERRITORIAL AND INTERNATIONAL AFFAIRS

### ASSISTANCE TO TERRITORIES

For an additional amount for "Assistance to Territories", \$13,000,000, to remain available until expended, for recovery efforts from Hurricane Marilyn: *Provided*, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$11,000,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress. President.

## DEPARTMENT OF AGRICULTURE

### FOREST SERVICE

#### NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System", \$26,600,000, to remain available until expended, to repair damage caused by hurricanes, floods and other acts of nature: *Provided* that Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$6,600,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress. President.

#### CONSTRUCTION

For an additional amount for "Construction", \$60,800,000, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$20,800,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress. President.

CHAPTER 6

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT  
PROGRAM

For an additional amount for “North Atlantic Treaty Organization Security Investment Program”, \$37,500,000, to remain available until expended: *Provided*, That the Secretary of Defense may make additional contributions for the North Atlantic Treaty Organization as provided in section 2806 of title 10, United States Code: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION

SEC. 2601. LAND CONVEYANCE, U.S. ARMY RESERVE, GREENSBORO,  
ALABAMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Hale County, Alabama, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 5.17 acres and located in Greensboro, Alabama, that was conveyed by Hale County, Alabama, to the United States by warranty deed dated September 12, 1988.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a) shall be as described in the deed referred to in that subsection.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

CHAPTER 7

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, \$257,200,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, \$11,700,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$2,600,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$27,300,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## OPERATION AND MAINTENANCE

## OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$241,500,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$900,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$173,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$79,800,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## PROCUREMENT

## OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$26,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## GENERAL PROVISIONS

## (TRANSFER OF FUNDS)

109 Stat. 652.

SEC. 2701. Section 8005 of the Department of Defense Appropriations Act, 1996 (Public Law 104-61), is amended by striking out "\$2,400,000,000" and inserting in lieu thereof "\$3,100,000,000". *Provided*, That the additional transfer authority provided herein shall be available only to the extent funds are transferred, or have been transferred, during the current fiscal year to cover the costs associated with United States military operations in support of the NATO-led Peace Implementation Force (IFOR) in and around the former Yugoslavia.

SEC. 2702. Notwithstanding any other provision of law, funds appropriated in the Department of Defense Appropriations Act, 1996 (Public Law 104-61) under the heading "Aircraft Procurement, Air Force" may be obligated for advance procurement and procurement of F-15E aircraft.

SEC. 2703. (a) Funds appropriated under the heading, "Aircraft Procurement, Air Force", in Public Laws 104-61, 103-335 and 103-139 that are or remain available for C-17 airframes, C-17 aircraft engines, and complementary widebody aircraft/NDAA may be used for multiyear procurement contracts for C-17 aircraft: *Provided*, That the duration of multiyear contracts awarded under the authority of this subsection may be for a period not to exceed seven program years, notwithstanding section 2306b(k) of title 10, United States Code: *Provided further*, That the funds referred to in this subsection also may be used for advance procurement for up to ten C-17 aircraft in fiscal year 1997: *Provided further*, That the advance procurement funds referred to in this subsection may be used to fund Economic Order Quantities for up to eighty aircraft.

Contracts.

(b) Immediately upon enactment of this Act, the Secretary of Defense shall enter into negotiations with the C-17 aircraft and engine prime contractors for a baseline fixed price contract for multiyear procurement of eighty C-17 aircraft over a period of seven program years, and alternatives for multiyear procurement of eighty C-17 aircraft over a period of six program years.

Certification.

(c) The authority to award a multiyear contract as provided in subsection (a) shall not be effective until the Secretary of Defense certifies to the Congressional defense committees that the Air Force will realize a savings of more than 5 percent in the total flyaway price for the eighty C-17 aircraft under a C-17 multiyear contract as compared to annual lot procurement of the aircraft at the maximum affordable rate profile approved in the November 3, 1995, Acquisition Decision Memorandum: *Provided*, That these savings shall exceed the estimates presented in the "Multiyear Procurement Criteria Program: C-17" documents submitted pursuant to the request for a fiscal year 1996 supplemental appropriation transmitted to the Congress.

(d) The authority under subsection (a) may not be used to execute a multiyear procurement contract until the earlier of (1) May 24, 1996, or (2) the day after the date of the enactment of an Act that contains a provision authorizing the Department of Defense to enter into a multiyear contract for the C-17 aircraft program.

Reports.

(e) Not later than May 24, 1996, the Secretary of Defense shall submit to the Congressional defense committees a report providing a detailed program plan for the six-year multiyear

procurement program; such report also shall include the latest estimate of any additional savings potentially generated from such an accelerated multiyear procurement of C-17 aircraft.

SEC. 2704. In addition to the amounts made available in Public Law 104-61 under the heading "Research, Development, Test and Evaluation, Defense-Wide", \$50,000,000 is hereby appropriated and made available to continue the activities of the semiconductor manufacturing consortium known as Sematech.

(TRANSFER OF FUNDS)

SEC. 2705. Of the funds appropriated in title II of Public Law 104-61, under the heading "Overseas Humanitarian, Disaster, and Civic Aid", for training and activities related to the clearing of landmines for humanitarian purposes, up to \$15,000,000 may be transferred to "Operation and Maintenance, Defense-Wide", to be available for the payment of travel, transportation and subsistence expenses of Department of Defense personnel incurred in carrying out humanitarian assistance activities related to the detection and clearance of landmines.

SEC. 2706. Notwithstanding any other provision of law, \$15,000,000 of the amount made available in title II, under the heading "Operation and Maintenance, Army" in Public Law 104-61 shall be paid to National Presto Industries, Inc. for the purpose of environmental restoration at the National Presto Industries, Inc. site in Eau Claire, Wisconsin, in recognition of the 1988 Agreement between the Department of the Army and National Presto Industries, Inc.

SEC. 2707. (a)(1) Section 1177 of title 10, United States Code, relating to mandatory discharge or retirement of members of the Armed Forces infected with HIV-1 virus, is repealed. AIDS.

(2) The table of sections at the beginning of chapter 59 of such title is amended by striking out the item relating to section 1177.

(b) Subsection (b) of section 567 of the National Defense Authorization Act for Fiscal Year 1996 is repealed.

10 USC 1177  
note.

SEC. 2708. In addition to the amounts made available in title II of Public Law 104-61, under the heading "Operation and Maintenance, Air Force", \$44,900,000 is hereby appropriated and made available for the operation and maintenance of 94 B-52H bomber aircraft in active status or in attrition reserve.

SEC. 2709. In addition to the amounts made available in title IV of Public Law 104-61, under the heading "Research, Development, Test and Evaluation, Navy", \$10,000,000 is hereby appropriated and made available for Shallow Water Mine Countermeasure Demonstrations, of which \$5,000,000 shall be made available for the Advanced Lightweight Influence Sweep System Development program.

(TRANSFER OF FUNDS)

SEC. 2710. Of the funds appropriated or otherwise made available in title VI of Public Law 104-61, under the heading "Defense Health Program", \$8,000,000 are transferred to and merged with funds appropriated or otherwise made available under title IV of that Act under the heading "Research, Development, Test and Evaluation, Army" and shall be available only for obligation and expenditure for advanced research into neurofibromatosis.

SEC. 2711. Of the funds available to the Department of Defense in title VI, Public Law 104-61, under the heading "Drug Interdiction and Counter-Drug Activities, Defense", \$220,000 shall be made available only for the procurement of Kevlar vests for personal protection of counter-drug personnel: *Provided*, That notwithstanding any other provision of law, the Department is authorized to transfer these Kevlar vests to local counter-drug personnel in high crime areas.

109 Stat. 673.

SEC. 2712. Before the period at the end of section 8105 of Public Law 104-61, insert the following: "*Provided*, That the Department of Defense shall release to the Department of the Air Force all such funds not later than May 31, 1996, and the Air Force shall obligate all such funds in compliance with this section not later than June 30, 1996".

## CHAPTER 8

### DEPARTMENT OF TRANSPORTATION

#### OFFICE OF THE SECRETARY

#### PAYMENTS TO AIR CARRIERS

109 Stat. 437.

The first proviso under the head "Payments to Air Carriers" in Title I of the Department of Transportation and Related Agencies Appropriations Act, 1996 (Public Law 104-50), is amended to read as follows: "*Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs in excess of \$22,600,000 from the Airport and Airway Trust Fund for the Payments to Air Carriers program in fiscal year 1996".

#### FEDERAL HIGHWAY ADMINISTRATION

#### FEDERAL-AID HIGHWAYS

#### (HIGHWAY TRUST FUND)

President.

For the Emergency Fund authorized by 23 U.S.C. 125 to cover expenses arising from the January 1996 flooding in the Mid-Atlantic, Northeast, and Northwest States and other disasters, \$300,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the provisions of 23 U.S.C. 125(b)(1) shall not apply to projects relating to the January 1996 flooding in the Mid-Atlantic, Northeast, and Northwest States.

## FEDERAL TRANSIT ADMINISTRATION

## MASS TRANSIT CAPITAL FUND

## (LIQUIDATION OF CONTRACT AUTHORIZATION)

## (HIGHWAY TRUST FUND)

For an additional amount for payment of obligations incurred in carrying out 49 U.S.C. 5338(b) administered by the Federal Transit Administration, \$375,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

## OTHER INDEPENDENT AGENCIES

## PANAMA CANAL COMMISSION

## PANAMA CANAL REVOLVING FUND

For an additional amount for administrative expenses, \$2,000,000, to be derived from the Panama Canal Revolving Fund.

## GENERAL PROVISIONS

SEC. 2801. Notwithstanding any other provision of law, limitations deducted pursuant to the provisions of section 310 of the Department of Transportation and Related Agencies Appropriations Act, 1996, for discretionary programs and the limitation on general operating expenses for both annual and no-year programs, not to exceed \$28,000,000 shall be available for making obligations for construction of a new Hannibal Bridge in Hannibal, Missouri: *Provided further*, That such limitation shall be restored to categories from which it was transferred before making redistribution of obligation in August of 1996 as provided by section 310 of the Act.

SEC. 2802. Notwithstanding any other provision of law, of the funds identified for distribution to the State of Vermont and the Marble Valley Regional Transit District in the matter under the heading "HIGHWAY TRUST FUND", under the heading "LIMITATION ON OBLIGATIONS", under the heading "DISCRETIONARY GRANTS" in the explanatory statement for the conference report to accompany H.R. 2002, House of Representatives report numbered 104-286, an amount not to exceed \$3,500,000 may be used for improvements to support commuter rail operations on the Clarendon-Pittsford rail line between White Hall, New York, and Rutland, Vermont.

SEC. 2803. In amending parts 119, 121, 125, or 135 of title 14, Code of Federal Regulations in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator deems appropriate effective through June 1, 1997.

SEC. 2804. Notwithstanding any other provision of law, \$23,909,325 funds made available under Public Law 103-122 together with \$21,534,347 funds made available under Public Law 103-331 for the "Chicago Central Area Circulator Project" shall be available only for the purposes of constructing a 5.2 mile light rail loop within the downtown Chicago business district as described

in the full funding grant agreement signed on December 15, 1994, and shall not be available for any other purposes.

## CHAPTER 9

### TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS AP- PROPRIATED TO THE PRESIDENT

#### OFFICE OF NATIONAL DRUG CONTROL POLICY

##### SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Salaries and Expenses,” \$3,400,000.

##### GENERAL PROVISIONS

109 Stat. 473. SEC. 2901. Title I of Public Law 104-52 is hereby amended by deleting “, not to exceed \$1,406,000,” under the heading “CUSTOMS SERVICES AT SMALL AIRPORTS”.

109 Stat. 474. SEC. 2902. Title I of Public Law 104-52 is hereby amended by adding the following new section under the heading “ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE”:

“SEC. 3. The funds provided in this Act shall be used to provide a level of service, staffing, and funding for Taxpayer Services Division operations which is not less than that provided in fiscal year 1995.”.

109 Stat. 479. SEC. 2903. Title III of Public Law 104-52 is hereby amended by adding the following proviso before the last period under the heading “OFFICE OF NATIONAL DRUG CONTROL POLICY, SALARIES AND EXPENSES”: “: *Provided*, That of the amounts available to the Counter-Drug Technology Assessment Center, no less than \$1,000,000 shall be dedicated to conferences on model state drug laws”.

#### SEC. 2904. COMPOSITION OF NATIONAL COMMISSION ON RESTRUCTURING THE INTERNAL REVENUE SERVICE.

26 USC 7801  
note. (a) IN GENERAL.—Section 637(b)(2) of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104-52, 109 Stat. 509) is amended—

(1) by striking “thirteen” and inserting “seventeen”, and

(2) in subparagraphs (B) and (D)—

(A) by striking “Two” and inserting “Four”, and

(B) by striking “one from private life” and inserting “three from private life”.

26 USC 7801  
note. (b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Treasury, Postal Service, and General Government Appropriations Act, 1996.

## CHAPTER 10

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND  
URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## COMMUNITY PLANNING AND DEVELOPMENT

## COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", \$50,000,000, to remain available until September 30, 1998, for emergency expenses and repairs related to recent Presidentially declared flood disasters, including up to \$10,000,000 which may be for rental subsidy contracts under the section 8 existing housing certificate program and the housing voucher program under section 8 of the United States Housing Act of 1937, as amended, except that such amount shall be available only for temporary housing assistance, not in excess of one year in duration, and shall not be subject to renewal: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

President.

## FEDERAL EMERGENCY MANAGEMENT AGENCY

## DISASTER RELIEF

## (INCLUDING TRANSFER OF FUNDS)

Of the funds made available under this heading in Public Law 104-19 up to \$104,000,000 may be transferred to the Disaster Assistance Direct Loan Program Account for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed \$119,000,000 under section 417 of the Stafford Act: *Provided further*, That any such transfer of funds shall be made only upon certification by the Director of the Federal Emergency Management Agency that all requirements of section 417 of the Stafford Act will be complied with: *Provided further*, That the entire amount of this appropriation shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

President.

## GENERAL PROVISIONS

SEC. 21101. In administering funds provided in this title for domestic assistance, the Secretary of any involved department may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use of the recipient of these funds, except for the requirement related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds would not be inconsistent with the overall purpose of the statute or regulation.

SEC. 21102. No part of any appropriation contained in this title shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

*Ante*, p. 27, 30,  
34.

Reports.

SEC. 21103. Notwithstanding section 106 of Public Law 104-99, sections 118, 121, and 129 of Public Law 104-99 shall remain in effect as if enacted as part of this Act.

SEC. 21104. The President may make available funds for assistance activities under titles II and IV of P. L. 104-107, beginning immediately upon enactment of this Act and without regard to monthly apportionment limitations, notwithstanding the provisions of section 518A of such Act, if he determines and reports to the Congress that the effects of the restrictions contained in that section would be that the demand for family planning services would be less likely to be met and that there would be a significant increase in abortions than would otherwise be the case in the absence of such restrictions; *Provided*, That none of the funds appropriated or otherwise made available in P. L. 104-107 may be made available for obligation for the major foreign donor federation of international population assistance except through the regular notifications procedures of the Committees on Appropriations.

This title may be cited as the "Supplemental Appropriations Act of 1996".

## TITLE III

## RESCISSIONS AND OFFSETS

## CHAPTER 1

## ENERGY AND WATER DEVELOPMENT

USEC  
Privatization Act.

SUBCHAPTER A—UNITED STATES ENRICHMENT CORPORATION  
PRIVATIZATION

42 USC 2011  
note.

## SEC. 3101. SHORT TITLE.

This subchapter may be cited as the "USEC Privatization Act".

42 USC 2297h.

## SEC. 3102. DEFINITIONS.

For purposes of this subchapter:

(1) The term "AVLIS" means atomic vapor laser isotope separation technology.

(2) The term "Corporation" means the United States Enrichment Corporation and, unless the context otherwise requires, includes the private corporation and any successor thereto following privatization.

(3) The term "gaseous diffusion plants" means the Paducah Gaseous Diffusion Plant at Paducah, Kentucky and the Portsmouth Gaseous Diffusion Plant at Piketon, Ohio.

(4) The term "highly enriched uranium" means uranium enriched to 20 percent or more of the uranium-235 isotope.

(5) The term "low-enriched uranium" means uranium enriched to less than 20 percent of the uranium-235 isotope, including that which is derived from highly enriched uranium.

(6) The term "low-level radioactive waste" has the meaning given such term in section 2(9) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b(9)).

(7) The term "private corporation" means the corporation established under section 3105.

(8) The term "privatization" means the transfer of ownership of the Corporation to private investors.

(9) The term "privatization date" means the date on which 100 percent of the ownership of the Corporation has been transferred to private investors.

(10) The term "public offering" means an underwritten offering to the public of the common stock of the private corporation pursuant to section 3104.

(11) The "Russian HEU Agreement" means the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, dated February 18, 1993.

(12) The term "Secretary" means the Secretary of Energy.

(13) The "Suspension Agreement" means the Agreement to Suspend the Antidumping Investigation on Uranium from the Russian Federation, as amended.

(14) The term "uranium enrichment" means the separation of uranium of a given isotopic content into 2 components, 1 having a higher percentage of a fissile isotope and 1 having a lower percentage.

#### SEC. 3103. SALE OF THE CORPORATION.

42 USC 2297h-1.

(a) **AUTHORIZATION.**—The Board of Directors of the Corporation, with the approval of the Secretary of the Treasury, shall transfer the interest of the United States in the United States Enrichment Corporation to the private sector in a manner that provides for the long-term viability of the Corporation, provides for the continuation by the Corporation of the operation of the Department of Energy's gaseous diffusion plants, provides for the protection of the public interest in maintaining a reliable and economical domestic source of uranium mining, enrichment and conversion services, and, to the extent not inconsistent with such purposes, secures the maximum proceeds to the United States.

(b) **PROCEEDS.**—Proceeds from the sale of the United States' interest in the Corporation shall be deposited in the general fund of the Treasury.

#### SEC. 3104. METHOD OF SALE.

42 USC 2297h-2.

(a) **AUTHORIZATION.**—The Board of Directors of the Corporation, with the approval of the Secretary of the Treasury, shall transfer ownership of the assets and obligations of the Corporation to the private corporation established under section 3105 (which may be consummated through a merger or consolidation effected in accordance with, and having the effects provided under, the law of the

State of incorporation of the private corporation, as if the Corporation were incorporated thereunder).

(b) **BOARD DETERMINATION.**—The Board, with the approval of the Secretary of the Treasury, shall select the method of transfer and establish terms and conditions for the transfer that will provide the maximum proceeds to the Treasury of the United States and will provide for the long-term viability of the private corporation, the continued operation of the gaseous diffusion plants, and the public interest in maintaining reliable and economical domestic uranium mining and enrichment industries.

(c) **ADEQUATE PROCEEDS.**—The Secretary of the Treasury shall not allow the privatization of the Corporation unless before the sale date the Secretary of the Treasury determines that the method of transfer will provide the maximum proceeds to the Treasury consistent with the principles set forth in section 3103(a).

(d) **APPLICATION OF SECURITIES LAWS.**—Any offering or sale of securities by the private corporation shall be subject to the Securities Act of 1933 (15 U.S.C. 77a et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), and the provisions of the Constitution and laws of any State, territory, or possession of the United States relating to transactions in securities.

(e) **EXPENSES.**—Expenses of privatization shall be paid from Corporation revenue accounts in the United States Treasury.

42 USC 2297h-3.

**SEC. 3105. ESTABLISHMENT OF PRIVATE CORPORATION.**

(a) **INCORPORATION.**—(1) The directors of the Corporation shall establish a private for-profit corporation under the laws of a State for the purpose of receiving the assets and obligations of the Corporation at privatization and continuing the business operations of the Corporation following privatization.

(2) The directors of the Corporation may serve as incorporators of the private corporation and shall take all steps necessary to establish the private corporation, including the filing of articles of incorporation consistent with the provisions of this subchapter.

(3) Employees and officers of the Corporation (including members of the Board of Directors) acting in accordance with this section on behalf of the private corporation shall be deemed to be acting in their official capacities as employees or officers of the Corporation for purposes of section 205 of title 18, United States Code.

(b) **STATUS OF THE PRIVATE CORPORATION.**—(1) The private corporation shall not be an agency, instrumentality, or establishment of the United States, a Government corporation, or a Government-controlled corporation.

(2) Except as otherwise provided by this subchapter, financial obligations of the private corporation shall not be obligations of, or guaranteed as to principal or interest by, the Corporation or the United States, and the obligations shall so plainly state.

(3) No action under section 1491 of title 28, United States Code, shall be allowable against the United States based on actions of the private corporation.

(c) **APPLICATION OF POST-GOVERNMENT EMPLOYMENT RESTRICTIONS.**—Beginning on the privatization date, the restrictions stated in section 207 (a), (b), (c), and (d) of title 18, United States Code, shall not apply to the acts of an individual done in carrying out official duties as a director, officer, or employee of the private corporation, if the individual was an officer or employee of the

Corporation (including a director) continuously during the 45 days prior to the privatization date.

(d) **DISSOLUTION.**—In the event that the privatization does not occur, the Corporation will provide for the dissolution of the private corporation within 1 year of the private corporation's incorporation unless the Secretary of the Treasury or his delegate, upon the Corporation's request, agrees to delay any such dissolution for an additional year.

**SEC. 3106. TRANSFERS TO THE PRIVATE CORPORATION.**

42 USC 2297h-4.

Concurrent with privatization, the Corporation shall transfer to the private corporation—

- (1) the lease of the gaseous diffusion plants in accordance with section 3107,
- (2) all personal property and inventories of the Corporation,
- (3) all contracts, agreements, and leases under section 3108(a),
- (4) the Corporation's right to purchase power from the Secretary under section 3108(b),
- (5) such funds in accounts of the Corporation held by the Treasury or on deposit with any bank or other financial institution as approved by the Secretary of the Treasury, and
- (6) all of the Corporation's records, including all of the papers and other documentary materials, regardless of physical form or characteristics, made or received by the Corporation.

Records.

**SEC. 3107. LEASING OF GASEOUS DIFFUSION FACILITIES.**

42 USC 2297h-5.

(a) **TRANSFER OF LEASE.**—Concurrent with privatization, the Corporation shall transfer to the private corporation the lease of the gaseous diffusion plants and related property for the remainder of the term of such lease in accordance with the terms of such lease.

(b) **RENEWAL.**—The private corporation shall have the exclusive option to lease the gaseous diffusion plants and related property for additional periods following the expiration of the initial term of the lease.

(c) **EXCLUSION OF FACILITIES FOR PRODUCTION OF HIGHLY ENRICHED URANIUM.**—The Secretary shall not lease to the private corporation any facilities necessary for the production of highly enriched uranium but may, subject to the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), grant the Corporation access to such facilities for purposes other than the production of highly enriched uranium.

(d) **DOE RESPONSIBILITY FOR PREEXISTING CONDITIONS.**—The payment of any costs of decontamination and decommissioning, response actions, or corrective actions with respect to conditions existing before July 1, 1993, at the gaseous diffusion plants shall remain the sole responsibility of the Secretary.

(e) **ENVIRONMENTAL AUDIT.**—For purposes of subsection (d), the conditions existing before July 1, 1993, at the gaseous diffusion plants shall be determined from the environmental audit conducted pursuant to section 1403(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2297c-2(e)).

(f) **TREATMENT UNDER PRICE-ANDERSON PROVISIONS.**—Any lease executed between the Secretary and the Corporation or the private corporation, and any extension or renewal thereof, under this section shall be deemed to be a contract for purposes of section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)).

(g) **WAIVER OF EIS REQUIREMENT.**—The execution or transfer of the lease between the Secretary and the Corporation or the private corporation, and any extension or renewal thereof, shall not be considered to be a major Federal action significantly affecting the quality of the human environment for purposes of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

42 USC 2297h-6. **SEC. 3108. TRANSFER OF CONTRACTS.**

(a) **TRANSFER OF CONTRACTS.**—Concurrent with privatization, the Corporation shall transfer to the private corporation all contracts, agreements, and leases, including all uranium enrichment contracts, that were—

(1) transferred by the Secretary to the Corporation pursuant to section 1401(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2297c(b)), or

(2) entered into by the Corporation before the privatization date.

(b) **NONTRANSFERABLE POWER CONTRACTS.**—The Corporation shall transfer to the private corporation the right to purchase power from the Secretary under the power purchase contracts for the gaseous diffusion plants executed by the Secretary before July 1, 1993. The Secretary shall continue to receive power for the gaseous diffusion plants under such contracts and shall continue to resell such power to the private corporation at cost during the term of such contracts.

(c) **EFFECT OF TRANSFER.**—(1) Notwithstanding subsection (a), the United States shall remain obligated to the parties to the contracts, agreements, and leases transferred under subsection (a) for the performance of its obligations under such contracts, agreements, or leases during their terms. Performance of such obligations by the private corporation shall be considered performance by the United States.

(2) If a contract, agreement, or lease transferred under subsection (a) is terminated, extended, or materially amended after the privatization date—

(A) the private corporation shall be responsible for any obligation arising under such contract, agreement, or lease after any extension or material amendment, and

(B) the United States shall be responsible for any obligation arising under the contract, agreement, or lease before the termination, extension, or material amendment.

(3) The private corporation shall reimburse the United States for any amount paid by the United States under a settlement agreement entered into with the consent of the private corporation or under a judgment, if the settlement or judgment—

(A) arises out of an obligation under a contract, agreement, or lease transferred under subsection (a), and

(B) arises out of actions of the private corporation between the privatization date and the date of a termination, extension, or material amendment of such contract, agreement, or lease.

(d) **PRICING.**—The Corporation may establish prices for its products, materials, and services provided to customers on a basis that will allow it to attain the normal business objectives of a profit making corporation.

42 USC 2297h-7. **SEC. 3109. LIABILITIES.**

(a) **LIABILITY OF THE UNITED STATES.**—(1) Except as otherwise provided in this subchapter, all liabilities arising out of the oper-

ation of the uranium enrichment enterprise before July 1, 1993, shall remain the direct liabilities of the Secretary.

(2) Except as provided in subsection (a)(3) or otherwise provided in a memorandum of agreement entered into by the Corporation and the Office of Management and Budget prior to the privatization date, all liabilities arising out of the operation of the Corporation between July 1, 1993, and the privatization date shall remain the direct liabilities of the United States.

(3) All liabilities arising out of the disposal of depleted uranium generated by the Corporation between July 1, 1993, and the privatization date shall become the direct liabilities of the Secretary.

(4) Any stated or implied consent for the United States, or any agent or officer of the United States, to be sued by any person for any legal, equitable, or other relief with respect to any claim arising from any action taken by any agent or officer of the United States in connection with the privatization of the Corporation is hereby withdrawn.

(5) To the extent that any claim against the United States under this section is of the type otherwise required by Federal statute or regulation to be presented to a Federal agency or official for adjudication or review, such claim shall be presented to the Department of Energy in accordance with procedures to be established by the Secretary. Nothing in this paragraph shall be construed to impose on the Department of Energy liability to pay any claim presented pursuant to this paragraph.

(6) The Attorney General shall represent the United States in any action seeking to impose liability under this subsection.

(b) **LIABILITY OF THE CORPORATION.**—Notwithstanding any provision of any agreement to which the Corporation is a party, the Corporation shall not be considered in breach, default, or violation of any agreement because of the transfer of such agreement to the private corporation under section 3108 or any other action the Corporation is required to take under this subchapter.

(c) **LIABILITY OF THE PRIVATE CORPORATION.**—Except as provided in this subchapter, the private corporation shall be liable for any liabilities arising out of its operations after the privatization date.

(d) **LIABILITY OF OFFICERS AND DIRECTORS.**—(1) No officer, director, employee, or agent of the Corporation shall be liable in any civil proceeding to any party in connection with any action taken in connection with the privatization if, with respect to the subject matter of the action, suit, or proceeding, such person was acting within the scope of his employment.

(2) This subsection shall not apply to claims arising under the Securities Act of 1933 (15 U.S.C. 77a. et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a. et seq.), or under the Constitution or laws of any State, territory, or possession of the United States relating to transactions in securities.

#### **SEC. 3110. EMPLOYEE PROTECTIONS.**

42 USC 2297h-8.

(a) **CONTRACTOR EMPLOYEES.**—(1) Privatization shall not diminish the accrued, vested pension benefits of employees of the Corporation's operating contractor at the two gaseous diffusion plants.

(2) In the event that the private corporation terminates or changes the contractor at either or both of the gaseous diffusion plants, the plan sponsor or other appropriate fiduciary of the pension plan covering employees of the prior operating contractor shall

arrange for the transfer of all plan assets and liabilities relating to accrued pension benefits of such plan's participants and beneficiaries from such plant to a pension plan sponsored by the new contractor or the private corporation or a joint labor-management plan, as the case may be.

(3) In addition to any obligations arising under the National Labor Relations Act (29 U.S.C. 151 et seq.), any employer (including the private corporation if it operates a gaseous diffusion plant without a contractor or any contractor of the private corporation) at a gaseous diffusion plant shall—

(A) abide by the terms of any unexpired collective bargaining agreement covering employees in bargaining units at the plant and in effect on the privatization date until the stated expiration or termination date of the agreement; or

(B) in the event a collective bargaining agreement is not in effect upon the privatization date, have the same bargaining obligations under section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) as it had immediately before the privatization date.

(4) If the private corporation replaces its operating contractor at a gaseous diffusion plant, the new employer (including the new contractor or the private corporation if it operates a gaseous diffusion plant without a contractor) shall—

(A) offer employment to non-management employees of the predecessor contractor to the extent that their jobs still exist or they are qualified for new jobs, and

(B) abide by the terms of the predecessor contractor's collective bargaining agreement until the agreement expires or a new agreement is signed.

(5) In the event of a plant closing or mass layoff (as such terms are defined in section 2101(a) (2) and (3) of title 29, United States Code) at either of the gaseous diffusion plants, the Secretary of Energy shall treat any adversely affected employee of an operating contractor at either plant who was an employee at such plant on July 1, 1993, as a Department of Energy employee for purposes of sections 3161 and 3162 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h-7274i).

(6)(A) The Secretary and the private corporation shall cause the post-retirement health benefits plan provider (or its successor) to continue to provide benefits for eligible persons, as described under subparagraph (B), employed by an operating contractor at either of the gaseous diffusion plants in an economically efficient manner and at substantially the same level of coverage as eligible retirees are entitled to receive on the privatization date.

(B) Persons eligible for coverage under subparagraph (A) shall be limited to:

(i) persons who retired from active employment at one of the gaseous diffusion plants on or before the privatization date as vested participants in a pension plan maintained either by the Corporation's operating contractor or by a contractor employed prior to July 1, 1993, by the Department of Energy to operate a gaseous diffusion plant; and

(ii) persons who are employed by the Corporation's operating contractor on or before the privatization date and are vested participants in a pension plan maintained either by the Corporation's operating contractor or by a contractor employed

prior to July 1, 1993, by the Department of Energy to operate a gaseous diffusion plant.

(C) The Secretary shall fund the entire cost of post-retirement health benefits for persons who retired from employment with an operating contractor prior to July 1, 1993.

(D) The Secretary and the Corporation shall fund the cost of post-retirement health benefits for persons who retire from employment with an operating contractor on or after July 1, 1993, in proportion to the retired person's years and months of service at a gaseous diffusion plant under their respective management.

(7)(A) Any suit under this subsection alleging a violation of an agreement between an employer and a labor organization shall be brought in accordance with section 301 of the Labor Management Relations Act (29 U.S.C. 185).

(B) Any charge under this subsection alleging an unfair labor practice violative of section 8 of the National Labor Relations Act (29 U.S.C. 158) shall be pursued in accordance with section 10 of the National Labor Relations Act (29 U.S.C. 160).

(C) Any suit alleging a violation of any provision of this subsection, to the extent it does not allege a violation of the National Labor Relations Act, may be brought in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy or the citizenship of the parties.

(b) FORMER FEDERAL EMPLOYEES.—(1)(A) An employee of the Corporation that was subject to either the Civil Service Retirement System (referred to in this section as "CSRS") or the Federal Employees' Retirement System (referred to in this section as "FERS") on the day immediately preceding the privatization date shall elect—

(i) to retain the employee's coverage under either CSRS or FERS, as applicable, in lieu of coverage by the Corporation's retirement system, or

(ii) to receive a deferred annuity or lump-sum benefit payable to a terminated employee under CSRS or FERS, as applicable.

(B) An employee that makes the election under subparagraph (A)(ii) shall have the option to transfer the balance in the employee's Thrift Savings Plan account to a defined contribution plan under the Corporation's retirement system, consistent with applicable law and the terms of the Corporation's defined contribution plan.

(2) The Corporation shall pay to the Civil Service Retirement and Disability Fund—

(A) such employee deductions and agency contributions as are required by sections 8334, 8422, and 8423 of title 5, United States Code, for those employees who elect to retain their coverage under either CSRS or FERS pursuant to paragraph (1);

(B) such additional agency contributions as are determined necessary by the Office of Personnel Management to pay, in combination with the sums under subparagraph (A), the "normal cost" (determined using dynamic assumptions) of retirement benefits for those employees who elect to retain their coverage under CSRS pursuant to paragraph (1), with the concept of "normal cost" being used consistent with generally accepted actuarial standards and principles; and

(C) such additional amounts, not to exceed two percent of the amounts under subparagraphs (A) and (B), as are deter-

mined necessary by the Office of Personnel Management to pay the cost of administering retirement benefits for employees who retire from the Corporation after the privatization date under either CSRS or FERS, for their survivors, and for survivors of employees of the Corporation who die after the privatization date (which amounts shall be available to the Office of Personnel Management as provided in section 8348(a)(1)(B) of title 5, United States Code).

(3) The Corporation shall pay to the Thrift Savings Fund such employee and agency contributions as are required by section 8432 of title 5, United States Code, for those employees who elect to retain their coverage under FERS pursuant to paragraph (1).

(4) Any employee of the Corporation who was subject to the Federal Employee Health Benefits Program (referred to in this section as "FEHBP") on the day immediately preceding the privatization date and who elects to retain coverage under either CSRS or FERS pursuant to paragraph (1) shall have the option to receive health benefits from a health benefit plan established by the Corporation or to continue without interruption coverage under the FEHBP, in lieu of coverage by the Corporation's health benefit system.

(5) The Corporation shall pay to the Employees Health Benefits Fund—

(A) such employee deductions and agency contributions as are required by section 8906 (a)–(f) of title 5, United States Code, for those employees who elect to retain their coverage under FEHBP pursuant to paragraph (4); and

(B) such amounts as are determined necessary by the Office of Personnel Management under paragraph (6) to reimburse the Office of Personnel Management for contributions under section 8906(g)(1) of title 5, United States Code, for those employees who elect to retain their coverage under FEHBP pursuant to paragraph (4).

(6) The amounts required under paragraph (5)(B) shall pay the Government contributions for retired employees who retire from the Corporation after the privatization date under either CSRS or FERS, for survivors of such retired employees, and for survivors of employees of the Corporation who die after the privatization date, with said amounts prorated to reflect only that portion of the total service of such employees and retired persons that was performed for the Corporation after the privatization date.

42 USC 2297h-9. SEC. 3111. OWNERSHIP LIMITATIONS.

(a) SECURITIES LIMITATIONS.—No director, officer, or employee of the Corporation may acquire any securities, or any rights to acquire any securities of the private corporation on terms more favorable than those offered to the general public—

(1) in a public offering designed to transfer ownership of the Corporation to private investors,

(2) pursuant to any agreement, arrangement, or understanding entered into before the privatization date, or

(3) before the election of the directors of the private corporation.

(b) OWNERSHIP LIMITATION.—Immediately following the consummation of the transaction or series of transactions pursuant to which 100 percent of the ownership of the Corporation is transferred to private investors, and for a period of three years thereafter,

no person may acquire, directly or indirectly, beneficial ownership of securities representing more than 10 percent of the total votes of all outstanding voting securities of the Corporation. The foregoing limitation shall not apply to—

- (1) any employee stock ownership plan of the Corporation,
- (2) members of the underwriting syndicate purchasing shares in stabilization transactions in connection with the privatization, or
- (3) in the case of shares beneficially held in the ordinary course of business for others, any commercial bank, broker-dealer, or clearing agency.

#### SEC. 3112. URANIUM TRANSFERS AND SALES.

42 USC 2297h-10.

(a) TRANSFERS AND SALES BY THE SECRETARY.—The Secretary shall not provide enrichment services or transfer or sell any uranium (including natural uranium concentrates, natural uranium hexafluoride, or enriched uranium in any form) to any person except as consistent with this section.

(b) RUSSIAN HEU.—(1) On or before December 31, 1996, the United States Executive Agent under the Russian HEU Agreement shall transfer to the Secretary without charge title to an amount of uranium hexafluoride equivalent to the natural uranium component of low-enriched uranium derived from at least 18 metric tons of highly enriched uranium purchased from the Russian Executive Agent under the Russian HEU Agreement. The quantity of such uranium hexafluoride delivered to the Secretary shall be based on a tails assay of 0.30 U<sup>235</sup>. Uranium hexafluoride transferred to the Secretary pursuant to this paragraph shall be deemed under United States law for all purposes to be of Russian origin.

(2) Within 7 years of the date of enactment of this Act, the Secretary shall sell, and receive payment for, the uranium hexafluoride transferred to the Secretary pursuant to paragraph (1). Such uranium hexafluoride shall be sold—

(A) at any time for use in the United States for the purpose of overfeeding;

(B) at any time for end use outside the United States;

(C) in 1995 and 1996 to the Russian Executive Agent at the purchase price for use in matched sales pursuant to the Suspension Agreement; or,

(D) in calendar year 2001 for consumption by end users in the United States not prior to January 1, 2002, in volumes not to exceed 3,000,000 pounds U<sub>3</sub>O<sub>8</sub> equivalent per year.

(3) With respect to all enriched uranium delivered to the United States Executive Agent under the Russian HEU Agreement on or after January 1, 1997, the United States Executive Agent shall, upon request of the Russian Executive Agent, enter into an agreement to deliver concurrently to the Russian Executive Agent an amount of uranium hexafluoride equivalent to the natural uranium component of such uranium. An agreement executed pursuant to a request of the Russian Executive Agent, as contemplated in this paragraph, may pertain to any deliveries due during any period remaining under the Russian HEU Agreement. The quantity of such uranium hexafluoride delivered to the Russian Executive Agent shall be based on a tails assay of 0.30 U<sup>235</sup>. Title to uranium hexafluoride delivered to the Russian Executive Agent pursuant to this paragraph shall transfer to the Russian Executive Agent upon delivery of such material to the Russian Executive Agent,

with such delivery to take place at a North American facility designated by the Russian Executive Agent. Uranium hexafluoride delivered to the Russian Executive Agent pursuant to this paragraph shall be deemed under U.S. law for all purposes to be of Russian origin. Such uranium hexafluoride may be sold to any person or entity for delivery and use in the United States only as permitted in subsections (b)(5), (b)(6) and (b)(7) of this section.

(4) In the event that the Russian Executive Agent does not exercise its right to enter into an agreement to take delivery of the natural uranium component of any low-enriched uranium, as contemplated in paragraph (3), within 90 days of the date such low-enriched uranium is delivered to the United States Executive Agent, or upon request of the Russian Executive Agent, then the United States Executive Agent shall engage an independent entity through a competitive selection process to auction an amount of uranium hexafluoride or  $U_3O_8$  (in the event that the conversion component of such hexafluoride has previously been sold) equivalent to the natural uranium component of such low-enriched uranium. An agreement executed pursuant to a request of the Russian Executive Agent, as contemplated in this paragraph, may pertain to any deliveries due during any period remaining under the Russian HEU Agreement. Such independent entity shall sell such uranium hexafluoride in one or more lots to any person or entity to maximize the proceeds from such sales, for disposition consistent with the limitations set forth in this subsection. The independent entity shall pay to the Russian Executive Agent the proceeds of any such auction less all reasonable transaction and other administrative costs. The quantity of such uranium hexafluoride auctioned shall be based on a tails assay of 0.30  $U^{235}$ . Title to uranium hexafluoride auctioned pursuant to this paragraph shall transfer to the buyer of such material upon delivery of such material to the buyer. Uranium hexafluoride auctioned pursuant to this paragraph shall be deemed under United States law for all purposes to be of Russian origin.

(5) Except as provided in paragraphs (6) and (7), uranium hexafluoride delivered to the Russian Executive Agent under paragraph (3) or auctioned pursuant to paragraph (4), may not be delivered for consumption by end users in the United States either directly or indirectly prior to January 1, 1998, and thereafter only in accordance with the following schedule:

**Annual Maximum Deliveries to End Users**

Year:	(millions lbs. $U_3O_8$ equivalent)
1998 .....	2
1999 .....	4
2000 .....	6
2001 .....	8
2002 .....	10
2003 .....	12
2004 .....	14
2005 .....	16
2006 .....	17
2007 .....	18
2008 .....	19
2009 and each year thereafter .....	20.

(6) Uranium hexafluoride delivered to the Russian Executive Agent under paragraph (3) or auctioned pursuant to paragraph (4) may be sold at any time as Russian-origin natural uranium

in a matched sale pursuant to the Suspension Agreement, and in such case shall not be counted against the annual maximum deliveries set forth in paragraph (5).

(7) Uranium hexafluoride delivered to the Russian Executive Agent under paragraph (3) or auctioned pursuant to paragraph (4) may be sold at any time for use in the United States for the purpose of overfeeding in the operations of enrichment facilities.

(8) Nothing in this subsection (b) shall restrict the sale of the conversion component of such uranium hexafluoride.

(9) The Secretary of Commerce shall have responsibility for the administration and enforcement of the limitations set forth in this subsection. The Secretary of Commerce may require any person to provide any certifications, information, or take any action that may be necessary to enforce these limitations. The United States Customs Service shall maintain and provide any information required by the Secretary of Commerce and shall take any action requested by the Secretary of Commerce which is necessary for the administration and enforcement of the uranium delivery limitations set forth in this section.

(10) The President shall monitor the actions of the United States Executive Agent under the Russian HEU Agreement and shall report to the Congress not later than December 31 of each year on the effect the low-enriched uranium delivered under the Russian HEU Agreement is having on the domestic uranium mining, conversion, and enrichment industries, and the operation of the gaseous diffusion plants. Such report shall include a description of actions taken or proposed to be taken by the President to prevent or mitigate any material adverse impact on such industries or any loss of employment at the gaseous diffusion plants as a result of the Russian HEU Agreement.

President.  
Reports.

(c) TRANSFERS TO THE CORPORATION.—(1) The Secretary shall transfer to the Corporation without charge up to 50 metric tons of enriched uranium and up to 7,000 metric tons of natural uranium from the Department of Energy's stockpile, subject to the restrictions in subsection (c)(2).

(2) The Corporation shall not deliver for commercial end use in the United States—

(A) any of the uranium transferred under this subsection before January 1, 1998;

(B) more than 10 percent of the uranium (by uranium hexafluoride equivalent content) transferred under this subsection or more than 4,000,000 pounds, whichever is less, in any calendar year after 1997; or

(C) more than 800,000 separative work units contained in low-enriched uranium transferred under this subsection in any calendar year.

(d) INVENTORY SALES.—(1) In addition to the transfers authorized under subsections (c) and (e), the Secretary may, from time to time, sell natural and low-enriched uranium (including low-enriched uranium derived from highly enriched uranium) from the Department of Energy's stockpile.

(2) Except as provided in subsections (b), (c), and (e), no sale or transfer of natural or low-enriched uranium shall be made unless—

(A) the President determines that the material is not necessary for national security needs,

President.

(B) the Secretary determines that the sale of the material will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry, taking into account the sales of uranium under the Russian HEU Agreement and the Suspension Agreement, and

(C) the price paid to the Secretary will not be less than the fair market value of the material.

(e) GOVERNMENT TRANSFERS.—Notwithstanding subsection (d)(2), the Secretary may transfer or sell enriched uranium—

(1) to a Federal agency if the material is transferred for the use of the receiving agency without any resale or transfer to another entity and the material does not meet commercial specifications;

(2) to any person for national security purposes, as determined by the Secretary; or

(3) to any State or local agency or nonprofit, charitable, or educational institution for use other than the generation of electricity for commercial use.

(f) SAVINGS PROVISION.—Nothing in this subchapter shall be read to modify the terms of the Russian HEU Agreement.

42 USC 2297h-  
11.

#### SEC. 3113. LOW-LEVEL WASTE.

(a) RESPONSIBILITY OF DOE.—(1) The Secretary, at the request of the generator, shall accept for disposal low-level radioactive waste, including depleted uranium if it were ultimately determined to be low-level radioactive waste, generated by—

(A) the Corporation as a result of the operations of the gaseous diffusion plants or as a result of the treatment of such wastes at a location other than the gaseous diffusion plants, or

(B) any person licensed by the Nuclear Regulatory Commission to operate a uranium enrichment facility under sections 53, 63, and 193 of the Atomic Energy Act of 1954 (42 U.S.C. 2073, 2093, and 2243).

(2) Except as provided in paragraph (3), the generator shall reimburse the Secretary for the disposal of low-level radioactive waste pursuant to paragraph (1) in an amount equal to the Secretary's costs, including a pro rata share of any capital costs, but in no event more than an amount equal to that which would be charged by commercial, State, regional, or interstate compact entities for disposal of such waste.

(3) In the event depleted uranium were ultimately determined to be low-level radioactive waste, the generator shall reimburse the Secretary for the disposal of depleted uranium pursuant to paragraph (1) in an amount equal to the Secretary's costs, including a pro rata share of any capital costs.

(b) AGREEMENTS WITH OTHER PERSONS.—The generator may also enter into agreements for the disposal of low-level radioactive waste subject to subsection (a) with any person other than the Secretary that is authorized by applicable laws and regulations to dispose of such wastes.

(c) STATE OR INTERSTATE COMPACTS.—Notwithstanding any other provision of law, no State or interstate compact shall be liable for the treatment, storage, or disposal of any low-level radioactive waste (including mixed waste) attributable to the operation, decontamination, and decommissioning of any uranium enrichment facility.

**SEC. 3114. AVLIS.**

42 USC 2297h-12.

(a) **EXCLUSIVE RIGHT TO COMMERCIALIZE.**—The Corporation shall have the exclusive commercial right to deploy and use any AVLIS patents, processes, and technical information owned or controlled by the Government, upon completion of a royalty agreement with the Secretary.

(b) **TRANSFER OF RELATED PROPERTY TO CORPORATION.**—

(1) **IN GENERAL.**—To the extent requested by the Corporation and subject to the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011, et seq.), the President shall transfer without charge to the Corporation all of the right, title, or interest in and to property owned by the United States under control or custody of the Secretary that is directly related to and materially useful in the performance of the Corporation's purposes regarding AVLIS and alternative technologies for uranium enrichment, including—

President.

(A) facilities, equipment, and materials for research, development, and demonstration activities; and

(B) all other facilities, equipment, materials, processes, patents, technical information of any kind, contracts, agreements, and leases.

(2) **EXCEPTION.**—Facilities, real estate, improvements, and equipment related to the gaseous diffusion, and gas centrifuge, uranium enrichment programs of the Secretary shall not transfer under paragraph (1)(B).

(3) **EXPIRATION OF TRANSFER AUTHORITY.**—The President's authority to transfer property under this subsection shall expire upon the privatization date.

(c) **LIABILITY FOR PATENT AND RELATED CLAIMS.**—With respect to any right, title, or interest provided to the Corporation under subsection (a) or (b), the Corporation shall have sole liability for any payments made or awards under section 157b.(3) of the Atomic Energy Act of 1954 (42 U.S.C. 2187(b)(3)), or any settlements or judgments involving claims for alleged patent infringement. Any royalty agreement under subsection (a) of this section shall provide for a reduction of royalty payments to the Secretary to offset any payments, awards, settlements, or judgments under this subsection.

**SEC. 3115. APPLICATION OF CERTAIN LAWS.**

42 USC 2297h-13.

(a) **OSHA.**—(1) As of the privatization date, the private corporation shall be subject to and comply with the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(2) The Nuclear Regulatory Commission and the Occupational Safety and Health Administration shall, within 90 days after the date of enactment of this Act, enter into a memorandum of agreement to govern the exercise of their authority over occupational safety and health hazards at the gaseous diffusion plants, including inspection, investigation, enforcement, and rulemaking relating to such hazards.

Contracts.

(b) **ANTITRUST LAWS.**—For purposes of the antitrust laws, the performance by the private corporation of a "matched import" contract under the Suspension Agreement shall be considered to have occurred prior to the privatization date, if at the time of privatization, such contract had been agreed to by the parties in all material terms and confirmed by the Secretary of Commerce under the Suspension Agreement.

(c) **ENERGY REORGANIZATION ACT REQUIREMENTS.**—(1) The private corporation and its contractors and subcontractors shall be subject to the provisions of section 211 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851) to the same extent as an employer subject to such section.

(2) With respect to the operation of the facilities leased by the private corporation, section 206 of the Energy Reorganization Act of 1974 (42 U.S.C. 5846) shall apply to the directors and officers of the private corporation.

**SEC. 3116. AMENDMENTS TO THE ATOMIC ENERGY ACT.**

(a) **REPEAL.**—(1) Chapters 22 through 26 of the Atomic Energy Act of 1954 (42 U.S.C. 2297-2297e-7) are repealed as of the privatization date.

(2) The table of contents of such Act is amended as of the privatization date by striking the items referring to sections repealed by paragraph (1).

(b) **NRC LICENSING.**—(1) Section 11v. of the Atomic Energy Act of 1954 (42 U.S.C. 2014v.) is amended by striking “or the construction and operation of a uranium enrichment facility using Atomic Vapor Laser Isotope Separation technology”.

(2) Section 193 of the Atomic Energy Act of 1954 (42 U.S.C. 2243) is amended by adding at the end the following:

“(f) **LIMITATION.**—No license or certificate of compliance may be issued to the United States Enrichment Corporation or its successor under this section or sections 53, 63, or 1701, if the Commission determines that—

“(1) the Corporation is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government; or

“(2) the issuance of such a license or certificate of compliance would be inimical to—

“(A) the common defense and security of the United States; or

“(B) the maintenance of a reliable and economical domestic source of enrichment services.”.

(3) Section 1701(c)(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2297f(c)(2)) is amended to read as follows:

“(2) **PERIODIC APPLICATION FOR CERTIFICATE OF COMPLIANCE.**—The Corporation shall apply to the Nuclear Regulatory Commission for a certificate of compliance under paragraph (1) periodically, as determined by the Commission, but not less than every 5 years. The Commission shall review any such application and any determination made under subsection (b)(2) shall be based on the results of any such review.”.

(4) Section 1702(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2297f-1(a)) is amended—

(1) by striking “other than” and inserting “including”, and

(2) by striking “sections 53 and 63” and inserting “sections 53, 63, and 193”.

(c) **JUDICIAL REVIEW OF NRC ACTIONS.**—Section 189b. of the Atomic Energy Act of 1954 (42 U.S.C. 2239(b)) is amended to read as follows:

“b. The following Commission actions shall be subject to judicial review in the manner prescribed in chapter 158 of title 28, United States Code, and chapter 7 of title 5, United States Code:

"(1) Any final order entered in any proceeding of the kind specified in subsection (a).

"(2) Any final order allowing or prohibiting a facility to begin operating under a combined construction and operating license.

"(3) Any final order establishing by regulation standards to govern the Department of Energy's gaseous diffusion uranium enrichment plants, including any such facilities leased to a corporation established under the USEC Privatization Act.

"(4) Any final determination under section 1701(c) relating to whether the gaseous diffusion plants, including any such facilities leased to a corporation established under the USEC Privatization Act, are in compliance with the Commission's standards governing the gaseous diffusion plants and all applicable laws."

(d) CIVIL PENALTIES.—Section 234 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2282(a) is amended by—

(1) striking "any licensing provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109" and inserting: "any licensing or certification provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, 109, or 1701"; and

(2) by striking "any license issued thereunder" and inserting: "any license or certification issued thereunder".

(e) REFERENCES TO THE CORPORATION.—Following the privatization date, all references in the Atomic Energy Act of 1954 to the United States Enrichment Corporation shall be deemed to be references to the private corporation.

42 USC 2297  
note.

#### SEC. 3117. AMENDMENTS TO OTHER LAWS.

(a) DEFINITION OF GOVERNMENT CORPORATION.—As of the privatization date, section 9101(3) of title 31, United States Code, is amended by striking subparagraph (N) as added by section 902(b) of Public Law 102-486.

(b) DEFINITION OF THE CORPORATION.—Section 1018(1) of the Energy Policy Act of 1992 (42 U.S.C. 2296b-7(1)) is amended by inserting "or its successor" before the period.

### SUBCHAPTER B

#### SEC. 3201. BONNEVILLE POWER ADMINISTRATION REFINANCING.

16 USC 838f.

##### (a) DEFINITIONS.—

For the purposes of this section—

(1) "Administrator" means the Administrator of the Bonneville Power Administration;

(2) "capital investment" means a capitalized cost funded by Federal appropriations that—

(A) is for a project, facility, or separable unit or feature of a project or facility;

(B) is a cost for which the Administrator is required by law to establish rates to repay to the United States Treasury through the sale of electric power, transmission, or other services;

(C) excludes a Federal irrigation investment; and

(D) excludes an investment financed by the current revenues of the Administrator or by bonds issued and sold, or authorized to be issued and sold, by the

Administrator under section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k);

(3) "new capital investment" means a capital investment for a project, facility, or separable unit or feature of a project or facility, placed in service after September 30, 1996;

(4) "old capital investment" means a capital investment the capitalized cost of which—

(A) was incurred, but not repaid, before October 1, 1996, and

(B) was for a project, facility, or separable unit or feature of a project or facility, placed in service before October 1, 1996;

(5) "repayment date" means the end of the period within which the Administrator's rates are to assure the repayment of the principal amount of a capital investment; and

(6) "Treasury rate" means—

(A) for an old capital investment, a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding October 1, 1996, on outstanding interest-bearing obligations of the United States with periods to maturity comparable to the period between October 1, 1996, and the repayment date for the old capital investment; and

(B) for a new capital investment, a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding the beginning of the fiscal year in which the related project, facility, or separable unit or feature is placed in service, on outstanding interest-bearing obligations of the United States with periods to maturity comparable to the period between the beginning of the fiscal year and the repayment date for the new capital investment.

(b) NEW PRINCIPAL AMOUNTS.—

Effective date.

(1) PRINCIPAL AMOUNT.—Effective October 1, 1996, an old capital investment has a new principal amount that is the sum of—

(A) the present value of the old payment amounts for the old capital investment, calculated using a discount rate equal to the Treasury rate for the old capital investment; and

(B) an amount equal to \$100,000,000 multiplied by a fraction whose numerator is the principal amount of the old payment amounts for the old capital investment and whose denominator is the sum of the principal amounts of the old payment amounts for all old capital investments.

(2) DETERMINATION.—With the approval of the Secretary of the Treasury based solely on consistency with this section, the Administrator shall determine the new principal amounts under subsection (b) and the assignment of interest rates to the new principal amounts under subsection (c).

(3) OLD PAYMENT AMOUNTS.—For the purposes of this subsection, "old payment amounts" means, for an old capital investment, the annual interest and principal that the Administrator

would have paid to the United States Treasury from October 1, 1996, if this section had not been enacted, assuming that—

(A) the principal were repaid—

(i) on the repayment date the Administrator assigned before October 1, 1994, to the old capital investment, or

(ii) with respect to an old capital investment for which the Administrator has not assigned a repayment date before October 1, 1994, on a repayment date the Administrator shall assign to the old capital investment in accordance with paragraph 10(d)(1) of the version of Department of Energy Order RA 6120.2 in effect on October 1, 1994; and

(B) interest were paid—

(i) at the interest rate the Administrator assigned before October 1, 1994, to the old capital investment, or

(ii) with respect to an old capital investment for which the Administrator has not assigned an interest rate before October 1, 1994, at a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding the beginning of the fiscal year in which the related project, facility, or separable unit or feature is placed in service, on outstanding interest-bearing obligations of the United States with periods to maturity comparable to the period between the beginning of the fiscal year and the repayment date for the old capital investment.

(c) INTEREST RATE FOR NEW PRINCIPAL AMOUNTS.—

As of October 1, 1996, the unpaid balance on the new principal amount established for an old capital investment under subsection (b) bears interest annually at the Treasury rate for the old capital investment until the earlier of the date that the new principal amount is repaid or the repayment date for the new principal amount.

(d) REPAYMENT DATES.—

As of October 1, 1996, the repayment date for the new principal amount established for an old capital investment under subsection (b) is no earlier than the repayment date for the old capital investment assumed in subsection (b)(3)(A).

(e) PREPAYMENT LIMITATIONS.—

During the period October 1, 1996, through September 30, 2001, the total new principal amounts of old capital investments, as established under subsection (b), that the Administrator may pay before their respective repayment dates shall not exceed \$100,000,000.

(f) INTEREST RATES FOR NEW CAPITAL INVESTMENTS DURING CONSTRUCTION.—

(1) NEW CAPITAL INVESTMENT.—The principal amount of a new capital investment includes interest in each fiscal year of construction of the related project, facility, or separable unit or feature at a rate equal to the one-year rate for the fiscal year on the sum of—

(A) construction expenditures that were made from the date construction commenced through the end of the fiscal year, and

(B) accrued interest during construction.

(2) PAYMENT.—The Administrator is not required to pay, during construction of the project, facility, or separable unit or feature, the interest calculated, accrued, and capitalized under subsection (f)(1).

(3) ONE-YEAR RATE.—For the purposes of this section, “one-year rate” for a fiscal year means a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding the beginning of the fiscal year, on outstanding interest-bearing obligations of the United States with periods to maturity of approximately one year.

(g) INTEREST RATES FOR NEW CAPITAL INVESTMENTS.—

The unpaid balance on the principal amount of a new capital investment bears interest at the Treasury rate for the new capital investment from the date the related project, facility, or separable unit or feature is placed in service until the earlier of the date the new capital investment is repaid or the repayment date for the new capital investment.

(h) CREDITS TO ADMINISTRATOR’S REPAYMENT TO THE UNITED STATES TREASURY.—

The Confederated Tribe of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law No. 103-436; 108 Stat. 4577) is amended by striking section 6 and inserting the following:

**“SEC. 6. CREDITS TO ADMINISTRATOR’S REPAYMENT TO THE UNITED STATES TREASURY.**

“So long as the Administrator makes annual payments to the tribes under the settlement agreement, the Administrator shall apply against amounts otherwise payable by the Administrator to the United States Treasury a credit that reduces the Administrator’s payment, in the amount and for each fiscal year as follows: \$15,860,000 in fiscal year 1997; \$16,490,000 in fiscal year 1998; \$17,150,000 in fiscal year 1999; \$17,840,000 in fiscal year 2000; \$18,550,000 in fiscal year 2001; and \$4,600,000 in each succeeding fiscal year.”.

(i) CONTRACT PROVISIONS.—

In each contract of the Administrator that provides for the Administrator to sell electric power, transmission, or related services, and that is in effect after September 30, 1996, the Administrator shall offer to include, or as the case may be, shall offer to amend to include, provisions specifying that after September 30, 1996—

(1) the Administrator shall establish rates and charges on the basis that—

(A) the principal amount of an old capital investment shall be no greater than the new principal amount established under subsection (b);

(B) the interest rate applicable to the unpaid balance of the new principal amount of an old capital investment shall be no greater than the interest rate established under subsection (c);

(C) any payment of principal of an old capital investment shall reduce the outstanding principal balance of the old capital investment in the amount of the payment at the time the payment is tendered; and

(D) any payment of interest on the unpaid balance of the new principal amount of an old capital investment shall be a credit against the appropriate interest account in the amount of the payment at the time the payment is tendered;

(2) apart from charges necessary to repay the new principal amount of an old capital investment as established under subsection (b) and to pay the interest on the principal amount under subsection (c), no amount may be charged for return to the United States Treasury as repayment for or return on an old capital investment, whether by way of rate, rent, lease payment, assessment, user charge, or any other fee;

(3) amounts provided under section 1304 of title 31, United States Code, shall be available to pay, and shall be the sole source for payment of, a judgment against or settlement by the Administrator or the United States on a claim for a breach of the contract provisions required by this Part; and

(4) the contract provisions specified in this Part do not—

(A) preclude the Administrator from recovering, through rates or other means, any tax that is generally imposed on electric utilities in the United States, or

(B) affect the Administrator's authority under applicable law, including section 7(g) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e(g)), to—

(i) allocate costs and benefits, including but not limited to fish and wildlife costs, to rates or resources, or

(ii) design rates.

(j) SAVINGS PROVISIONS.—

(1) REPAYMENT.—This subchapter does not affect the obligation of the Administrator to repay the principal associated with each capital investment, and to pay interest on the principal, only from the "Administrator's net proceeds," as defined in section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k(b)).

(2) PAYMENT OF CAPITAL INVESTMENT.—Except as provided in subsection (e), this section does not affect the authority of the Administrator to pay all or a portion of the principal amount associated with a capital investment before the repayment date for the principal amount.

## CHAPTER 2

### FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

#### EXPORT AND INVESTMENT ASSISTANCE

#### EXPORT-IMPORT BANK OF THE UNITED STATES

#### SUBSIDY APPROPRIATION

#### (RESCISSION)

Of the unobligated balances available under this heading \$42,000,000 are rescinded.

CHAPTER 3

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF ENERGY

STRATEGIC PETROLEUM RESERVE

Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), the Secretary of Energy shall draw down and sell in fiscal year 1996, \$227,000,000 worth of Strategic Petroleum Reserve oil from the Weeks Island site.

CHAPTER 4

DEPARTMENTS OF LABOR, HEALTH AND HUMAN  
SERVICES, AND EDUCATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading elsewhere in this Act, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1996 that are not necessary to pay such State's allowable claims for such fiscal year.

42 USC 603. Section 403(k)(3)(F) of the Social Security Act (as amended by Public Law 100-485) is amended by adding: "reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1996 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be \$1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),".

DEPARTMENT OF EDUCATION

STUDENT FINANCIAL ASSISTANCE

Notwithstanding any other provision of this Act, the first and third dollar amounts provided in Title I of this Act under the heading "Student Financial Assistance" are hereby reduced by \$53,446,000.

CHAPTER 5

MILITARY CONSTRUCTION

(RESCISSIONS)

Of the funds provided in Public Law 104-32, the Military Construction Appropriations Act, 1996, the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, \$6,385,000;

Military Construction, Navy, \$6,385,000;  
Military Construction, Air Force, \$6,385,000; and  
Military Construction, Defense-wide, \$18,345,000.

## CHAPTER 6

### DEPARTMENT OF DEFENSE—MILITARY PROCUREMENT

#### MISSILE PROCUREMENT, AIR FORCE

##### (RESCISSION)

Of the funds made available under this heading in Public Law 103-335, \$310,000,000 are rescinded.

#### OTHER PROCUREMENT, AIR FORCE

##### (RESCISSION)

Of the funds made available under this heading in Public Law 103-335, \$265,000,000 are rescinded.

### RESEARCH, DEVELOPMENT, TEST AND EVALUATION

#### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

##### (RESCISSION)

Of the funds made available under this heading in Public Law 104-61, \$19,500,000 are rescinded: *Provided*, That this reduction shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within this appropriation account.

#### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

##### (RESCISSION)

Of the funds made available under this heading in Public Law 104-61, \$45,000,000 are rescinded: *Provided*, That this reduction shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within this appropriation account.

#### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

##### (RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, \$245,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104-61, \$69,800,000 are rescinded: *Provided*, That this reduction shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within this appropriation account.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 104-61, \$40,600,000 are rescinded: *Provided*, That this reduction shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within this appropriation account: *Provided further*, That no reduction may be taken against the funds made available to the Department of Defense for Ballistic Missile Defense.

CHAPTER 7

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this account, \$664,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY-RELATED SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this account, \$9,000,000 are rescinded.

MOTOR CARRIER SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this account, \$33,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this account, \$56,000,000 are rescinded.

## CHAPTER 8

## TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT

## INDEPENDENT AGENCIES

## GENERAL SERVICES ADMINISTRATION

## FEDERAL BUILDINGS FUND

## LIMITATIONS ON AVAILABILITY OF REVENUE

## (RESCISSION)

Of the funds made available for installment acquisition payments under this heading in Public Law 104-52, \$3,400,000 are rescinded: *Provided*, That the aggregate amount made available to the Fund shall be \$5,062,749,000.

## CHAPTER 9

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND  
URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

## FEDERAL EMERGENCY MANAGEMENT AGENCY

## DISASTER RELIEF

Of the funds made available under this heading and under the heading "Disaster relief emergency contingency fund" in Public Law 104-19, \$1,000,000,000 are rescinded.

## CHAPTER 10

## DEBT COLLECTION IMPROVEMENTS

## SEC. 31001. DEBT COLLECTION IMPROVEMENT ACT OF 1996.

(a)(1) This section may be cited as the "Debt Collection Improvement Act of 1996".

(2)(A) IN GENERAL.—The provisions of this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(B) OFFSETS FROM SOCIAL SECURITY PAYMENTS, ETC.—Subparagraph (A) of section 3716(c)(3) of title 31, United States Code (as added by subsection (d)(2) of this section), shall apply only to payments made after the date which is 4 months after the date of the enactment of this Act.

(b) The purposes of this section are the following:

(1) To maximize collections of delinquent debts owed to the Government by ensuring quick action to enforce recovery of debts and the use of all appropriate collection tools.

(2) To minimize the costs of debt collection by consolidating related functions and activities and utilizing interagency teams.

(3) To reduce losses arising from debt management activities by requiring proper screening of potential borrowers, aggressive monitoring of all accounts, and sharing of information within and among Federal agencies.

(4) To ensure that the public is fully informed of the Federal Government's debt collection policies and that debtors are cog-

Debt Collection  
Improvement Act  
of 1996.

31 USC 3701

note.

Effective date.

31 USC 3322

note.

Applicability.

31 USC 3716

note.

31 USC 3701

note.

nizant of their financial obligations to repay amounts owed to the Federal Government.

(5) To ensure that debtors have all appropriate due process rights, including the ability to verify, challenge, and compromise claims, and access to administrative appeals procedures which are both reasonable and protect the interests of the United States.

(6) To encourage agencies, when appropriate, to sell delinquent debt, particularly debts with underlying collateral.

(7) To rely on the experience and expertise of private sector professionals to provide debt collection services to Federal agencies.

(c) Chapter 37 of title 31, United States Code, is amended—

(1) in each of sections 3711, 3716, 3717, and 3718, by striking “the head of an executive or legislative agency” each place it appears and inserting “the head of an executive, judicial, or legislative agency”; and

(2) by amending section 3701(a)(4) to read as follows:

“(4) ‘executive, judicial, or legislative agency’ means a department, agency, court, court administrative office, or instrumentality in the executive, judicial, or legislative branch of Government, including government corporations.”

(d)(1) PERSONS SUBJECT TO ADMINISTRATIVE OFFSET.—Section 3701(c) of title 31, United States Code, is amended to read as follows:

“(c) In sections 3716 and 3717 of this title, the term ‘person’ does not include an agency of the United States Government.”

(2) REQUIREMENTS AND PROCEDURES.—Section 3716 of title 31, United States Code, is amended—

(A) by amending subsection (b) to read as follows:

“(b) Before collecting a claim by administrative offset, the head of an executive, judicial, or legislative agency must either—

“(1) adopt, without change, regulations on collecting by administrative offset promulgated by the Department of Justice, the General Accounting Office, or the Department of the Treasury; or

“(2) prescribe regulations on collecting by administrative offset consistent with the regulations referred to in paragraph (1).”;

(B) by amending subsection (c)(2) to read as follows:

“(2) when a statute explicitly prohibits using administrative offset or setoff to collect the claim or type of claim involved.”;

(C) by redesignating subsection (c) as subsection (e); and

(D) by inserting after subsection (b) the following new subsections:

“(c)(1)(A) Except as otherwise provided in this subsection, a disbursing official of the Department of the Treasury, the Department of Defense, the United States Postal Service, or any other government corporation, or any disbursing official of the United States designated by the Secretary of the Treasury, shall offset at least annually the amount of a payment which a payment certifying agency has certified to the disbursing official for disbursement, by an amount equal to the amount of a claim which a creditor agency has certified to the Secretary of the Treasury pursuant to this subsection.

“(B) An agency that designates disbursing officials pursuant to section 3321(c) of this title is not required to certify claims

arising out of its operations to the Secretary of the Treasury before such agency's disbursing officials offset such claims.

"(C) Payments certified by the Department of Education under a program administered by the Secretary of Education under title IV of the Higher Education Act of 1965 shall not be subject to administrative offset under this subsection.

"(2) Neither the disbursing official nor the payment certifying agency shall be liable—

"(A) for the amount of the administrative offset on the basis that the underlying obligation, represented by the payment before the administrative offset was taken, was not satisfied; or

"(B) for failure to provide timely notice under paragraph (8).

"(3)(A)(i) Notwithstanding any other provision of law (including sections 207 and 1631(d)(1) of the Social Security Act (42 U.S.C. 407 and 1383(d)(1)), section 413(b) of Public Law 91-173 (30 U.S.C. 923(b)), and section 14 of the Act of August 29, 1935 (45 U.S.C. 231m)), except as provided in clause (ii), all payments due to an individual under—

"(I) the Social Security Act,

"(II) part B of the Black Lung Benefits Act, or

"(III) any law administered by the Railroad Retirement Board (other than payments that such Board determines to be tier 2 benefits),

shall be subject to offset under this section.

"(ii) An amount of \$9,000 which a debtor may receive under Federal benefit programs cited under clause (i) within a 12-month period shall be exempt from offset under this subsection. In applying the \$9,000 exemption, the disbursing official shall—

"(I) reduce the \$9,000 exemption amount for the 12-month period by the amount of all Federal benefit payments made during such 12-month period which are not subject to offset under this subsection; and

"(II) apply a prorated amount of the exemption to each periodic benefit payment to be made to the debtor during the applicable 12-month period.

For purposes of the preceding sentence, the amount of a periodic benefit payment shall be the amount after any reduction or deduction required under the laws authorizing the program under which such payment is authorized to be made (including any reduction or deduction to recover any overpayment under such program).

"(B) The Secretary of the Treasury shall exempt from administrative offset under this subsection payments under means-tested programs when requested by the head of the respective agency. The Secretary may exempt other payments from administrative offset under this subsection upon the written request of the head of a payment certifying agency. A written request for exemption of other payments must provide justification for the exemption under standards prescribed by the Secretary. Such standards shall give due consideration to whether administrative offset would tend to interfere substantially with or defeat the purposes of the payment certifying agency's program. The Secretary shall report to the Congress annually on exemptions granted under this section.

Reports.

"(C) The provisions of sections 205(b)(1) and 1631(c)(1) of the Social Security Act shall not apply to any administrative offset

executed pursuant to this section against benefits authorized by either title II or title XVI of the Social Security Act, respectively.

“(4) The Secretary of the Treasury may charge a fee sufficient to cover the full cost of implementing this subsection. The fee may be collected either by the retention of a portion of amounts collected pursuant to this subsection, or by billing the agency referring or transferring a claim for those amounts. Fees charged to the agencies shall be based on actual administrative offsets completed. Amounts received by the United States as fees under this subsection shall be deposited into the account of the Department of the Treasury under section 3711(g)(7) of this title, and shall be collected and accounted for in accordance with the provisions of that section.

Rules,  
regulations, and  
procedures.

“(5) The Secretary of the Treasury in consultation with the Commissioner of Social Security and the Director of the Office of Management and Budget, may prescribe such rules, regulations, and procedures as the Secretary of the Treasury considers necessary to carry out this subsection. The Secretary shall consult with the heads of affected agencies in the development of such rules, regulations, and procedures.

Notification.

“(6) Any Federal agency that is owed by a person a past due, legally enforceable nontax debt that is over 180 days delinquent, including nontax debt administered by a third party acting as an agent for the Federal Government, shall notify the Secretary of the Treasury of all such nontax debts for purposes of administrative offset under this subsection.

Notification.

“(7)(A) The disbursing official conducting an administrative offset with respect to a payment to a payee shall notify the payee in writing of—

“(i) the occurrence of the administrative offset to satisfy a past due legally enforceable debt, including a description of the type and amount of the payment otherwise payable to the payee against which the offset was executed;

“(ii) the identity of the creditor agency requesting the offset; and

“(iii) a contact point within the creditor agency that will handle concerns regarding the offset.

“(B) If the payment to be offset is a periodic benefit payment, the disbursing official shall take reasonable steps, as determined by the Secretary of the Treasury, to provide the notice to the payee not later than the date on which the payee is otherwise scheduled to receive the payment, or as soon as practical thereafter, but no later than the date of the administrative offset. Notwithstanding the preceding sentence, the failure of the debtor to receive such notice shall not impair the legality of such administrative offset.

“(8) A levy pursuant to the Internal Revenue Code of 1986 shall take precedence over requests for administrative offset pursuant to other laws.

“(d) Nothing in this section is intended to prohibit the use of any other administrative offset authority existing under statute or common law.”.

(3) NONTAX DEBT OR CLAIM DEFINED.—Section 3701 of title 31, United States Code, is amended in subsection (a) by adding at the end the following new paragraph:

“(8) ‘nontax’ means, with respect to any debt or claim, any debt or claim other than a debt or claim under the Internal Revenue Code of 1986.”

(4) TREASURY CHECK WITHHOLDING.—Section 3712 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(e) TREASURY CHECK OFFSET.—

“(1) IN GENERAL.—To facilitate collection of amounts owed by presenting banks pursuant to subsection (a) or (b), upon the direction of the Secretary, a Federal reserve bank shall withhold credit from banks presenting Treasury checks for ultimate charge to the account of the United States Treasury. By presenting Treasury checks for payment a presenting bank is deemed to authorize this offset.

“(2) ATTEMPT TO COLLECT REQUIRED.—Prior to directing offset under subsection (a)(1), the Secretary shall first attempt to collect amounts owed in the manner provided by sections 3711 and 3716.”

(e) Section 3716 of title 31, United States Code, as amended by subsection (d)(2) of this section, is further amended by adding at the end the following new subsections:

“(f) The Secretary may waive the requirements of sections 552a(o) and (p) of title 5 for administrative offset or claims collection upon written certification by the head of a State or an executive, judicial, or legislative agency seeking to collect the claim that the requirements of subsection (a) of this section have been met.

“(g) The Data Integrity Board of the Department of the Treasury established under 552a(u) of title 5 shall review and include in reports under paragraph (3)(D) of that section a description of any matching activities conducted under this section. If the Secretary has granted a waiver under subsection (f) of this section, no other Data Integrity Board is required to take any action under section 552a(u) of title 5.”

(f) Section 3716 of title 31, United States Code, as amended by subsections (d) and (e) of this section, is further amended by adding at the end the following new subsection:

“(h)(1) The Secretary may, in the discretion of the Secretary, apply subsection (a) with respect to any past-due, legally-enforceable debt owed to a State if—

“(A) the appropriate State disbursing official requests that an offset be performed; and

“(B) a reciprocal agreement with the State is in effect which contains, at a minimum—

“(i) requirements substantially equivalent to subsection (b) of this section; and

“(ii) any other requirements which the Secretary considers appropriate to facilitate the offset and prevent duplicative efforts.

“(2) This subsection does not apply to—

“(A) the collection of a debt or claim on which the administrative costs associated with the collection of the debt or claim exceed the amount of the debt or claim;

“(B) any collection of any other type, class, or amount of claim, as the Secretary considers necessary to protect the interest of the United States; or

“(C) the disbursement of any class or type of payment exempted by the Secretary of the Treasury at the request of a Federal agency.

“(3) In applying this section with respect to any debt owed to a State, subsection (c)(3)(A) shall not apply.”.

(g)(1) TITLE 31.—Title 31, United States Code, is amended—

(A) in section 3322(a), by inserting “section 3716 and section 3720A of this title and” after “Except as provided in”;

(B) in section 3325(a)(3), by inserting “or pursuant to payment intercepts or offsets pursuant to section 3716 or 3720A of this title,” after “voucher”; and

(C) in each of sections 3711(e)(2) and 3717(h) by inserting “, the Secretary of the Treasury,” after “Attorney General”.

(2) INTERNAL REVENUE CODE OF 1986.—Subparagraph (A) of section 6103(l)(10) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(l)(10)) is amended by inserting “and to officers and employees of the Department of the Treasury in connection with such reduction” after “6402”.

(h) Section 5514 of title 5, United States Code, is amended—

(A) in subsection (a)—

(i) by adding at the end of paragraph (1) the following: “All Federal agencies to which debts are owed and which have outstanding delinquent debts shall participate in a computer match at least annually of their delinquent debt records with records of Federal employees to identify those employees who are delinquent in repayment of those debts. The preceding sentence shall not apply to any debt under the Internal Revenue Code of 1986. Matched Federal employee records shall include, but shall not be limited to, records of active Civil Service employees government-wide, military active duty personnel, military reservists, United States Postal Service employees, employees of other government corporations, and seasonal and temporary employees. The Secretary of the Treasury shall establish and maintain an interagency consortium to implement centralized salary offset computer matching, and promulgate regulations for this program. Agencies that perform centralized salary offset computer matching services under this subsection are authorized to charge a fee sufficient to cover the full cost for such services.”;

(ii) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(iii) by inserting after paragraph (2) the following new paragraph:

“(3) Paragraph (2) shall not apply to routine intra-agency adjustments of pay that are attributable to clerical or administrative errors or delays in processing pay documents that have occurred within the four pay periods preceding the adjustment and to any adjustment that amounts to \$50 or less, if at the time of such adjustment, or as soon thereafter as practical, the individual is provided written notice of the nature and the amount of the adjustment and a point of contact for contesting such adjustment.”; and

(iv) by amending paragraph (5)(B) (as redesignated by clause (ii) of this subparagraph) to read as follows:

“(B) ‘agency’ includes executive departments and agencies, the United States Postal Service, the Postal Rate Commission, the United States Senate, the United States

Records.

House of Representatives, and any court, court administrative office, or instrumentality in the judicial or legislative branches of the Government, and government corporations.”;

(B) by adding after subsection (c) the following new subsection:

“(d) A levy pursuant to the Internal Revenue Code of 1986 shall take precedence over other deductions under this section.”.

(i)(1) IN GENERAL.—Section 7701 of title 31, United States Code, is amended by adding at the end the following new subsections:

“(c)(1) The head of each Federal agency shall require each person doing business with that agency to furnish to that agency such person’s taxpayer identifying number.

“(2) For purposes of this subsection, a person shall be considered to be doing business with a Federal agency if the person is—

“(A) a lender or servicer in a Federal guaranteed or insured loan program administered by the agency;

“(B) an applicant for, or recipient of, a Federal license, permit, right-of-way, grant, or benefit payment administered by the agency or insurance administered by the agency;

“(C) a contractor of the agency;

“(D) assessed a fine, fee, royalty or penalty by the agency;

and

“(E) in a relationship with the agency that may give rise to a receivable due to that agency, such as a partner of a borrower in or a guarantor of a Federal direct or insured loan administered by the agency.

“(3) Each agency shall disclose to a person required to furnish a taxpayer identifying number under this subsection its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such person’s relationship with the Government.

“(4) For purposes of this subsection, a person shall not be treated as doing business with a Federal agency solely by reason of being a debtor under third party claims of the United States. The preceding sentence shall not apply to a debtor owing claims resulting from petroleum pricing violations or owing claims resulting from Federal loan or loan guarantee/insurance programs.

“(d) Notwithstanding section 552a(b) of title 5, United States Code, creditor agencies to which a delinquent claim is owed, and their agents, may match their debtor records with Department of Health and Human Services, and Department of Labor records to obtain names (including names of employees), name controls, names of employers, taxpayer identifying numbers, addresses (including addresses of employers), and dates of birth. The preceding sentence shall apply to the disclosure of taxpayer identifying numbers only if such disclosure is not otherwise prohibited by section 6103 of the Internal Revenue Code of 1986. The Department of Health and Human Services, and the Department of Labor shall release that information to creditor agencies and may charge reasonable fees sufficient to pay the costs associated with that release.”.

(2) INCLUDED FEDERAL LOAN PROGRAM DEFINED.—Subparagraph (C) of section 6103(1)(3) of the Internal Revenue Code of 1986 (relating to disclosure that applicant for Federal loan has tax delinquent account) is amended to read as follows:

“(C) INCLUDED FEDERAL LOAN PROGRAM DEFINED.—For purposes of this paragraph, the term ‘included Federal loan program’ means any program under which the United States or a Federal agency makes, guarantees, or insures loans.”.

(3) CLERICAL AMENDMENTS.—

(A) The chapter title to chapter 77 of subtitle VI of title 31, United States Code, is amended to read as follows:

“CHAPTER 77—ACCESS TO INFORMATION FOR DEBT COLLECTION”.

(B) The table of chapters for subtitle VI of title 31, United States Code, is amended by inserting before the item relating to chapter 91 the following new item:

“77. Access to information for debt collection ..... 7701”.

(j)(1) IN GENERAL.—Title 31, United States Code, is amended by inserting after section 3720A the following new section:

“§ 3720B. Barring delinquent Federal debtors from obtaining Federal loans or loan insurance guarantees

Standards.

“(a) Unless this subsection is waived by the head of a Federal agency, a person may not obtain any Federal financial assistance in the form of a loan (other than a disaster loan) or loan insurance or guarantee administered by the agency if the person has an outstanding debt (other than a debt under the Internal Revenue Code of 1986) with any Federal agency which is in a delinquent status, as determined under standards prescribed by the Secretary of the Treasury. Such a person may obtain additional loans or loan guarantees only after such delinquency is resolved in accordance with those standards. The Secretary of the Treasury may exempt, at the request of an agency, any class of claims.

“(b) The head of a Federal agency may delegate the waiver authority under subsection (a) to the Chief Financial Officer of the agency. The waiver authority may be redelegated only to the Deputy Chief Financial Officer of the agency.”

(2) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 37 of title 31, United States Code, is amended by inserting after the item relating to section 3720A the following new item:

“3720B. Barring delinquent Federal debtors from obtaining Federal loans or loan insurance guarantees.”.

(k) Section 3711(f) of title 31, United States Code, is amended—

(1) by striking “may” the first place it appears and inserting “shall”;

(2) by striking “an individual” each place it appears and inserting “a person”;

(3) by striking “the individual” each place it appears and inserting “the person”; and

(4) by adding at the end the following new paragraphs:

“(4) The head of each executive agency shall require, as a condition for insuring or guaranteeing any loan, financing, or other extension of credit under any law to a person, that the lender provide information relating to the extension of credit to consumer reporting agencies or commercial reporting agencies, as appropriate.

“(5) The head of each executive agency may provide to a consumer reporting agency or commercial reporting agency information from a system of records that a person is responsible for a claim which is current, if notice required by section 552a(e)(4)

of title 5 indicates that information in the system may be disclosed to a consumer reporting agency or commercial reporting agency, respectively.”

(l) Section 3718 of title 31, United States Code, is amended—

(1) in subsection (a), by striking the first sentence and inserting the following: “Under conditions the head of an executive, judicial, or legislative agency considers appropriate, the head of the agency may enter into a contract with a person for collection service to recover indebtedness owed, or to locate or recover assets of, the United States Government. The head of an agency may not enter into a contract under the preceding sentence to locate or recover assets of the United States held by a State government or financial institution unless that agency has established procedures approved by the Secretary of the Treasury to identify and recover such assets.”; and

(2) in subsection (d), by inserting “, or to locate or recover assets of,” after “owed”.

(m)(1) IN GENERAL.—Section 3711 of title 31, United States Code, is amended by adding at the end the following new subsections:

“(g)(1) If a nontax debt or claim owed to the United States has been delinquent for a period of 180 days—

“(A) the head of the executive, judicial, or legislative agency that administers the program that gave rise to the debt or claim shall transfer the debt or claim to the Secretary of the Treasury; and

“(B) upon such transfer the Secretary of the Treasury shall take appropriate action to collect or terminate collection actions on the debt or claim.

“(2) Paragraph (1) shall not apply—

“(A) to any debt or claim that—

“(i) is in litigation or foreclosure;

“(ii) will be disposed of under an asset sales program within 1 year after becoming eligible for sale, or later than 1 year if consistent with an asset sales program and a schedule established by the agency and approved by the Director of the Office of Management and Budget;

“(iii) has been referred to a private collection contractor for collection for a period of time determined by the Secretary of the Treasury;

“(iv) has been referred by, or with the consent of, the Secretary of the Treasury to a debt collection center for a period of time determined by the Secretary of the Treasury; or

“(v) will be collected under internal offset, if such offset is sufficient to collect the claim within 3 years after the date the debt or claim is first delinquent; and

“(B) to any other specific class of debt or claim, as determined by the Secretary of the Treasury at the request of the head of an executive, judicial, or legislative agency or otherwise.

“(3) For purposes of this section, the Secretary of the Treasury may designate, and withdraw such designation of debt collection centers operated by other Federal agencies. The Secretary of the Treasury shall designate such centers on the basis of their performance in collecting delinquent claims owed to the Government.

“(4) At the discretion of the Secretary of the Treasury, referral of a nontax claim may be made to—

“(A) any executive department or agency operating a debt collection center for servicing, collection, compromise, or suspension or termination of collection action;

“(B) a private collection contractor operating under a contract for servicing or collection action; or

“(C) the Department of Justice for litigation.

“(5) Nontax claims referred or transferred under this section shall be serviced, collected, or compromised, or collection action thereon suspended or terminated, in accordance with otherwise applicable statutory requirements and authorities. Executive departments and agencies operating debt collection centers may enter into agreements with the Secretary of the Treasury to carry out the purposes of this subsection. The Secretary of the Treasury shall—

“(A) maintain competition in carrying out this subsection;

“(B) maximize collections of delinquent debts by placing delinquent debts quickly;

“(C) maintain a schedule of private collection contractors and debt collection centers eligible for referral of claims; and

“(D) refer delinquent debts to the person most appropriate to collect the type or amount of claim involved.

“(6) Any agency operating a debt collection center to which nontax claims are referred or transferred under this subsection may charge a fee sufficient to cover the full cost of implementing this subsection. The agency transferring or referring the nontax claim shall be charged the fee, and the agency charging the fee shall collect such fee by retaining the amount of the fee from amounts collected pursuant to this subsection. Agencies may agree to pay through a different method, or to fund an activity from another account or from revenue received from the procedure described under section 3720C of this title. Amounts charged under this subsection concerning delinquent claims may be considered as costs pursuant to section 3717(e) of this title.

“(7) Notwithstanding any other law concerning the depositing and collection of Federal payments, including section 3302(b) of this title, agencies collecting fees may retain the fees from amounts collected. Any fee charged pursuant to this subsection shall be deposited into an account to be determined by the executive department or agency operating the debt collection center charging the fee (in this subsection referred to in this section as the ‘Account’). Amounts deposited in the Account shall be available until expended to cover costs associated with the implementation and operation of Governmentwide debt collection activities. Costs properly chargeable to the Account include—

“(A) the costs of computer hardware and software, word processing and telecommunications equipment, and other equipment, supplies, and furniture;

“(B) personnel training and travel costs;

“(C) other personnel and administrative costs;

“(D) the costs of any contract for identification, billing, or collection services; and

“(E) reasonable costs incurred by the Secretary of the Treasury, including services and utilities provided by the Secretary, and administration of the Account.

“(8) Not later than January 1 of each year, there shall be deposited into the Treasury as miscellaneous receipts an amount equal to the amount of unobligated balances remaining in the Account at the close of business on September 30 of the preceding year, minus any part of such balance that the executive department or agency operating the debt collection center determines is necessary to cover or defray the costs under this subsection for the fiscal year in which the deposit is made.

“(9) Before discharging any delinquent debt owed to any executive, judicial, or legislative agency, the head of such agency shall take all appropriate steps to collect such debt, including (as applicable)—

“(A) administrative offset,

“(B) tax refund offset,

“(C) Federal salary offset,

“(D) referral to private collection contractors,

“(E) referral to agencies operating a debt collection center,

“(F) reporting delinquencies to credit reporting bureaus,

“(G) garnishing the wages of delinquent debtors, and

“(H) litigation or foreclosure.

“(10) To carry out the purposes of this subsection, the Secretary of the Treasury may prescribe such rules, regulations, and procedures as the Secretary considers necessary and transfer such funds from funds appropriated to the Department of the Treasury as may be necessary to meet existing liabilities and obligations incurred prior to the receipt of revenues that result from debt collections.

“(h)(1) The head of an executive, judicial, or legislative agency acting under subsection (a)(1), (2), or (3) of this section to collect a claim, compromise a claim, or terminate collection action on a claim may obtain a consumer report (as that term is defined in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a)) or comparable credit information on any person who is liable for the claim.

“(2) The obtaining of a consumer report under this subsection is deemed to be a circumstance or purpose authorized or listed under section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b).”

**(2) RETURNS RELATING TO CANCELLATION OF INDEBTEDNESS BY CERTAIN ENTITIES.—**

(A) **IN GENERAL.**—Subsection (a) of section 6050P of the Internal Revenue Code of 1986 (relating to returns relating to the cancellation of indebtedness by certain financial entities) is amended by striking “applicable financial entity” and inserting “applicable entity”.

(B) **ENTITIES TO WHICH REQUIREMENT APPLIES.**—Subsection (c) of section 6050P of such Code is amended—

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, and inserting before paragraph (2) (as so redesignated) the following new paragraph:

“(1) **APPLICABLE ENTITY.**—The term ‘applicable entity’ means—

“(A) an executive, judicial, or legislative agency (as defined in section 3701(a)(4) of title 31, United States Code), and

“(B) an applicable financial entity.”, and

(ii) in paragraph (3), as so redesignated, by striking “(1)(B)” and inserting “(1)(A) or (2)(B)”.

(C) ALTERNATIVE PROCEDURE.—Section 6050P of such Code is amended by adding at the end the following new subsection:

“(e) ALTERNATIVE PROCEDURE.—In lieu of making a return required under subsection (a), an agency described in subsection (c)(1)(A) may submit to the Secretary (at such time and in such form as the Secretary may by regulations prescribe) information sufficient for the Secretary to complete such a return on behalf of such agency. Upon receipt of such information, the Secretary shall complete such return and provide a copy of such return to such agency.”

(D) CONFORMING AMENDMENTS.—

(i) Subsection (d) of section 6050P of such Code is amended by striking “applicable financial entity” and inserting “applicable entity”.

(ii) The heading of section 6050P of such Code is amended to read as follows:

**“SEC. 6050P. RETURNS RELATING TO THE CANCELLATION OF INDEBTEDNESS BY CERTAIN ENTITIES.”**

(iii) The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by striking the item relating to section 6050P and inserting the following new item:

“Sec. 6050P. Returns relating to the cancellation of indebtedness by certain entities.”

Effective date.  
31 USC 3711  
note.

(n) Effective October 1, 1995, section 11 of the Administrative Dispute Resolution Act (Public Law 101-552, 5 U.S.C. 571 note) shall not apply to the amendment made by section 8(b) of such Act.

(o)(1) IN GENERAL.—Chapter 37 of title 31, United States Code, is amended in subchapter II by adding after section 3720C, as added by subsection (t) of this section, the following new section:

**“§ 3720D. Garnishment**

“(a) Notwithstanding any provision of State law, the head of an executive, judicial, or legislative agency that administers a program that gives rise to a delinquent nontax debt owed to the United States by an individual may in accordance with this section garnish the disposable pay of the individual to collect the amount owed, if the individual is not currently making required repayment in accordance with any agreement between the agency head and the individual.

“(b) In carrying out any garnishment of disposable pay of an individual under subsection (a), the head of an executive, judicial, or legislative agency shall comply with the following requirements:

“(1) The amount deducted under this section for any pay period may not exceed 15 percent of disposable pay, except that a greater percentage may be deducted with the written consent of the individual.

“(2) The individual shall be provided written notice, sent by mail to the individual's last known address, a minimum of 30 days prior to the initiation of proceedings, from the head of the executive, judicial, or legislative agency, informing the individual of—

“(A) the nature and amount of the debt to be collected;

Notification.

"(B) the intention of the agency to initiate proceedings to collect the debt through deductions from pay; and

"(C) an explanation of the rights of the individual under this section.

"(3) The individual shall be provided an opportunity to inspect and copy records relating to the debt. Records.

"(4) The individual shall be provided an opportunity to enter into a written agreement with the executive, judicial, or legislative agency, under terms agreeable to the head of the agency, to establish a schedule for repayment of the debt. Contracts.

"(5) The individual shall be provided an opportunity for a hearing in accordance with subsection (c) on the determination of the head of the executive, judicial, or legislative agency concerning—

"(A) the existence or the amount of the debt, and

"(B) in the case of an individual whose repayment schedule is established other than by a written agreement pursuant to paragraph (4), the terms of the repayment schedule.

"(6) If the individual has been reemployed within 12 months after having been involuntarily separated from employment, no amount may be deducted from the disposable pay of the individual until the individual has been reemployed continuously for at least 12 months.

"(c)(1) A hearing under subsection (b)(5) shall be provided prior to issuance of a garnishment order if the individual, on or before the 15th day following the mailing of the notice described in subsection (b)(2), and in accordance with such procedures as the head of the executive, judicial, or legislative agency may prescribe, files a petition requesting such a hearing.

"(2) If the individual does not file a petition requesting a hearing prior to such date, the head of the agency shall provide the individual a hearing under subsection (a)(5) upon request, but such hearing need not be provided prior to issuance of a garnishment order.

"(3) The hearing official shall issue a final decision at the earliest practicable date, but not later than 60 days after the filing of the petition requesting the hearing.

"(d) The notice to the employer of the withholding order shall contain only such information as may be necessary for the employer to comply with the withholding order.

"(e)(1) An employer may not discharge from employment, refuse to employ, or take disciplinary action against an individual subject to wage withholding in accordance with this section by reason of the fact that the individual's wages have been subject to garnishment under this section, and such individual may sue in a State or Federal court of competent jurisdiction any employer who takes such action.

"(2) The court shall award attorneys' fees to a prevailing employee and, in its discretion, may order reinstatement of the individual, award punitive damages and back pay to the employee, or order such other remedy as may be reasonably necessary. Courts.

"(f)(1) The employer of an individual—

"(A) shall pay to the head of an executive, judicial, or legislative agency as directed in a withholding order issued in an action under this section with respect to the individual, and

“(B) shall be liable for any amount that the employer fails to withhold from wages due an employee following receipt by such employer of notice of the withholding order, plus attorneys’ fees, costs, and, in the court’s discretion, punitive damages.

“(2)(A) The head of an executive, judicial, or legislative agency may sue an employer in a State or Federal court of competent jurisdiction to recover amounts for which the employer is liable under paragraph (1)(B).

“(B) A suit under this paragraph may not be filed before the termination of the collection action, unless earlier filing is necessary to avoid expiration of any applicable statute of limitations period.

“(3) Notwithstanding paragraphs (1) and (2), an employer shall not be required to vary its normal pay and disbursement cycles in order to comply with this subsection.

“(g) For the purpose of this section, the term ‘disposable pay’ means that part of the compensation of any individual from an employer remaining after the deduction of any amounts required by any other law to be withheld.

Regulations.

“(h) The Secretary of the Treasury shall issue regulations to implement this section.”.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 37 of title 31, United States Code, is amended by inserting after the item relating to section 3720C (as added by subsection (t) of this section) the following new item:

“3720D. Garnishment.”.

(p) Section 3711 of title 31, United States Code, as amended by subsection (m) of this section, is further amended by adding at the end the following new subsection:

“(i)(1) The head of an executive, judicial, or legislative agency may sell, subject to section 504(b) of the Federal Credit Reform Act of 1990 and using competitive procedures, any nontax debt owed to the United States that is delinquent for more than 90 days. Appropriate fees charged by a contractor to assist in the conduct of a sale under this subsection may be payable from the proceeds of the sale.

“(2) After terminating collection action, the head of an executive, judicial, or legislative agency shall sell, using competitive procedures, any nontax debt or class of nontax debts owed to the United States, if the Secretary of the Treasury determines the sale is in the best interests of the United States.

“(3) Sales of nontax debt under this subsection—

“(A) shall be for—

“(i) cash, or

“(ii) cash and a residuary equity or profit participation, if the head of the agency reasonably determines that the proceeds will be greater than sale solely for cash,

“(B) shall be without recourse, but may include the use of guarantees if otherwise authorized, and

“(C) shall transfer to the purchaser all rights of the Government to demand payment of the nontax debt, other than with respect to a residuary equity or profit participation under subparagraph (A)(ii).

Reports.

“(4)(A) Within one year after the date of enactment of the Debt Collection Improvement Act of 1996, each executive agency with current and delinquent collateralized nontax debts shall report to the Congress on the valuation of its existing portfolio of loans,

notes and guarantees, and other collateralized debts based on standards developed by the Director of the Office of Management and Budget, in consultation with the Secretary of the Treasury.

“(B) The Director of the Office of Management and Budget shall determine what information is required to be reported to comply with subparagraph (A). At a minimum, for each financing account and for each liquidating account (as those terms are defined in sections 502(7) and 502(8), respectively, of the Federal Credit Reform Act of 1990) the following information shall be reported:

“(i) The cumulative balance of current debts outstanding, the estimated net present value of such debts, the annual administrative expenses of those debts (including the portion of salaries and expenses that are directly related thereto), and the estimated net proceeds that would be received by the Government if such debts were sold.

“(ii) The cumulative balance of delinquent debts, debts outstanding, the estimated net present value of such debts, the annual administrative expenses of those debts (including the portion of salaries and expenses that are directly related thereto), and the estimated net proceeds that would be received by the Government if such debts were sold.

“(iii) The cumulative balance of guaranteed loans outstanding, the estimated net present value of such guarantees, the annual administrative expenses of such guarantees (including the portion of salaries and expenses that are directly related to such guaranteed loans), and the estimated net proceeds that would be received by the Government if such loan guarantees were sold.

“(iv) The cumulative balance of defaulted loans that were previously guaranteed and have resulted in loans receivables, the estimated net present value of such loan assets, the annual administrative expenses of such loan assets (including the portion of salaries and expenses that are directly related to such loan assets), and the estimated net proceeds that would be received by the Government if such loan assets were sold.

“(v) The marketability of all debts.

“(5) This subsection is not intended to limit existing statutory authority of agencies to sell loans, debts, or other assets.”.

(q) Section 3717 of title 31, United States Code, is amended by adding at the end of subsection (h) the following new subsection:

“(i)(1) The head of an executive, judicial, or legislative agency may increase an administrative claim by the cost of living adjustment in lieu of charging interest and penalties under this section. Adjustments under this subsection will be computed annually.

“(2) For the purpose of this subsection—

“(A) the term ‘cost of living adjustment’ means the percentage by which the Consumer Price Index for the month of June of the calendar year preceding the adjustment exceeds the Consumer Price Index for the month of June of the calendar year in which the claim was determined or last adjusted; and

“(B) the term ‘administrative claim’ includes all debt that is not based on an extension of Government credit through direct loans, loan guarantees, or insurance, including fines, penalties, and overpayments.”.

(r)(1) IN GENERAL.—Chapter 37 of title 31, United States Code, is amended in subchapter II by adding after section 3720D, as added by subsection (o) of this section, the following new section:

**“§ 3720E. Dissemination of information regarding identity of delinquent debtors**

“(a) The head of any agency may, with the review of the Secretary of the Treasury, for the purpose of collecting any delinquent nontax debt owed by any person, publish or otherwise publicly disseminate information regarding the identity of the person and the existence of the nontax debt.

Regulations.

“(b)(1) The Secretary of the Treasury, in consultation with the Director of the Office of Management and Budget and the heads of other appropriate Federal agencies, shall issue regulations establishing procedures and requirements the Secretary considers appropriate to carry out this section.

“(2) Regulations under this subsection shall include—

“(A) standards for disseminating information that maximize collections of delinquent nontax debts, by directing actions under this section toward delinquent debtors that have assets or income sufficient to pay their delinquent nontax debt;

“(B) procedures and requirements that prevent dissemination of information under this section regarding persons who have not had an opportunity to verify, contest, and compromise their nontax debt in accordance with this subchapter; and

“(C) procedures to ensure that persons are not incorrectly identified pursuant to this section.”

(2) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 37 of title 31, United States Code, is amended by adding after the item relating to section 3720D (as added by subsection (o) of this section) the following new item:

“3720E. Dissemination of information regarding identity of delinquent debtors.”

(s)(1) IN GENERAL.—The Federal Civil Penalties Inflation Adjustment Act of 1990 (Public Law 101-410, 104 Stat. 890; 28 U.S.C. 2461 note) is amended—

(A) by amending section 4 to read as follows:

“SEC. 4. The head of each agency shall, not later than 180 days after the date of enactment of the Debt Collection Improvement Act of 1996, and at least once every 4 years thereafter—

Regulations.

“(1) by regulation adjust each civil monetary penalty provided by law within the jurisdiction of the Federal agency, except for any penalty (including any addition to tax and additional amount) under the Internal Revenue Code of 1986, the Tariff Act of 1930, the Occupational Safety and Health Act of 1970, or the Social Security Act, by the inflation adjustment described under section 5 of this Act; and

Federal Register,  
publication.

“(2) publish each such regulation in the Federal Register.”;

(B) in section 5(a), by striking “The adjustment described under paragraphs (4) and (5)(A) of section 4” and inserting “The inflation adjustment under section 4”; and

(C) by adding at the end the following new section:

“SEC. 7. Any increase under this Act in a civil monetary penalty shall apply only to violations which occur after the date the increase takes effect.”

28 USC 2461  
note.

(2) LIMITATION ON INITIAL ADJUSTMENT.—The first adjustment of a civil monetary penalty made pursuant to the amendment made by paragraph (1) may not exceed 10 percent of such penalty.

(t)(1) IN GENERAL.—Title 31, United States Code, is amended by inserting after section 3720B (as added by subsection (j) of this section) the following new section:

**“§ 3720C. Debt Collection Improvement Account**

“(a)(1) There is hereby established in the Treasury a special fund to be known as the ‘Debt Collection Improvement Account’ (hereinafter in this section referred to as the ‘Account’). Nomenclature.

“(2) The Account shall be maintained and managed by the Secretary of the Treasury, who shall ensure that agency programs are credited with amounts transferred under subsection (b)(1).

“(b)(1) Not later than 30 days after the end of a fiscal year, an agency may transfer to the Account the amount described in paragraph (3), as adjusted under paragraph (4).

“(2) Agency transfers to the Account may include collections from—

“(A) salary, administrative, and tax refund offsets;

“(B) the Department of Justice;

“(C) private collection agencies;

“(D) sales of delinquent loans; and

“(E) contracts to locate or recover assets.

“(3) The amount referred to in paragraph (1) shall be 5 percent of the amount of delinquent debt collected by an agency in a fiscal year, minus the greater of—

“(A) 5 percent of the amount of delinquent nontax debt collected by the agency in the previous fiscal year, or

“(B) 5 percent of the average annual amount of delinquent nontax debt collected by the agency in the previous 4 fiscal years.

“(4) In consultation with the Secretary of the Treasury, the Office of Management and Budget may adjust the amount described in paragraph (3) for an agency to reflect the level of effort in credit management programs by the agency. As an indicator of the level of effort in credit management, the Office of Management and Budget shall consider the following:

“(A) The number of days between the date a claim or debt became delinquent and the date which an agency referred the debt or claim to the Secretary of the Treasury or obtained an exemption from this referral under section 3711(g)(2) of this title.

“(B) The ratio of delinquent debts or claims to total receivables for a given program, and the change in this ratio over a period of time.

“(c)(1) The Secretary of the Treasury may make payments from the Account solely to reimburse agencies for qualified expenses. For agencies with franchise funds, such payments may be credited to subaccounts designated for debt collection.

“(2) For purposes of this section, the term ‘qualified expenses’ means expenditures for the improvement of credit management, debt collection, and debt recovery activities, including—

“(A) account servicing (including cross-servicing under section 3711(g) of this title),

“(B) automatic data processing equipment acquisitions,

“(C) delinquent debt collection,

“(D) measures to minimize delinquent debt,

“(E) sales of delinquent debt,

“(F) asset disposition, and

“(G) training of personnel involved in credit and debt management.

“(3)(A) Amounts transferred to the Account shall be available to the Secretary of the Treasury for purposes of this section to

“(b) Subject to section 8435 of this title, any employee or Member who separates from Government employment is entitled and may elect to withdraw from the Thrift Savings Fund the balance of the employee’s or Member’s account as—

- “(1) an annuity;
- “(2) a single payment;
- “(3) 2 or more substantially equal payments to be made not less frequently than annually; or
- “(4) any combination of payments as provided under paragraphs (1) through (3) as the Executive Director may prescribe by regulation.

“(c)(1) In addition to the right provided under subsection (b) to withdraw the balance of the account, an employee or Member who separates from Government service and who has not made a withdrawal under subsection (h)(1)(A) may make one withdrawal of any amount as a single payment in accordance with subsection (b)(2) from the employee’s or Member’s account.

“(2) An employee or Member may request that the amount withdrawn from the Thrift Savings Fund in accordance with subsection (b)(2) be transferred to an eligible retirement plan.

“(3) The Executive Director shall make each transfer elected under paragraph (2) directly to an eligible retirement plan or plans (as defined in section 402(c)(8) of the Internal Revenue Code of 1986) identified by the employee, Member, former employee, or former Member for whom the transfer is made.

“(4) A transfer may not be made for an employee, Member, former employee, or former Member under paragraph (2) until the Executive Director receives from that individual the information required by the Executive Director specifically to identify the eligible retirement plan or plans to which the transfer is to be made.”;

(2) in subsection (d)—

(A) in paragraph (1) by striking out “Subject to paragraph (3)(A)” and inserting in lieu thereof “Subject to paragraph (3)”;

(B) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as redesignated under subparagraph (B) of this paragraph)—

(i) in subparagraph (A) by striking out “(A)”;

(ii) by striking out subparagraph (B);

(3) in subsection (f)(1)—

(A) by striking out “\$3,500 or less” and inserting in lieu thereof “less than an amount that the Executive Director prescribes by regulation”; and

(B) by striking out “unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b), or” and inserting a comma;

(4) in subsection (f)(2)—

(A) by striking out “February 1” and inserting in lieu thereof “April 1”;

(B) in subparagraph (A)—

(i) by striking out “65” and inserting in lieu thereof “70½”; and

(ii) by inserting “or” after the semicolon;

(C) by striking out subparagraph (B); and

“(A) the occurrence of an offset to satisfy a past-due legally enforceable nontax debt;

“(B) the identity of the creditor agency requesting the offset; and

“(C) a contact point within the creditor agency that will handle concerns regarding the offset;

“(2) shall notify the Internal Revenue Service on a weekly basis of— Notification.

“(A) the occurrence of an offset to satisfy a past-due legally enforceable non-tax debt;

“(B) the amount of such offset; and

“(C) any other information required by regulations;

and

“(3) shall match payment records with requests for offset by using a name control, taxpayer identifying number (as that term is used in section 6109 of the Internal Revenue Code of 1986), and any other necessary identifiers.” Records.

“(h)(2) The term ‘disbursing official’ of the Department of the Treasury means the Secretary or his designee.”

(x)(1) AMENDMENTS RELATING TO ELECTRONIC FUNDS TRANSFER.—Section 3332 of title 31, United States Code, popularly known as the Federal Financial Management Act of 1994, is amended—

(A) by redesignating subsection (e) as subsection (h), and inserting after subsection (d) the following new subsections:

“(e)(1) Notwithstanding subsections (a) through (d) of this section, sections 5120 (a) and (d) of title 38, and any other provision of law, all Federal payments to a recipient who becomes eligible for that type of payment after 90 days after the date of the enactment of the Debt Collection Improvement Act of 1996 shall be made by electronic funds transfer.

“(2) The head of a Federal agency shall, with respect to Federal payments made or authorized by the agency, waive the application of paragraph (1) to a recipient of those payments upon receipt of written certification from the recipient that the recipient does not have an account with a financial institution or an authorized payment agent.

“(f)(1) Notwithstanding any other provision of law (including subsections (a) through (e) of this section and sections 5120 (a) and (d) of title 38), except as provided in paragraph (2) all Federal payments made after January 1, 1999, shall be made by electronic funds transfer.

“(2)(A) The Secretary of the Treasury may waive application of this subsection to payments—

“(i) for individuals or classes of individuals for whom compliance imposes a hardship;

“(ii) for classifications or types of checks; or

“(iii) in other circumstances as may be necessary.

“(B) The Secretary of the Treasury shall make determinations under subparagraph (A) based on standards developed by the Secretary.

“(g) Each recipient of Federal payments required to be made by electronic funds transfer shall—

“(1) designate 1 or more financial institutions or other authorized agents to which such payments shall be made; and

“(2) provide to the Federal agency that makes or authorizes the payments information necessary for the recipient to receive

electronic funds transfer payments through each institution or agent designated under paragraph (1)."; and

(B) by adding after subsection (h) (as so redesignated) the following new subsections:

"(i)(1) The Secretary of the Treasury may prescribe regulations that the Secretary considers necessary to carry out this section.

"(2) Regulations under this subsection shall ensure that individuals required under subsection (g) to have an account at a financial institution because of the application of subsection (f)(1)—

"(A) will have access to such an account at a reasonable cost; and

"(B) are given the same consumer protections with respect to the account as other account holders at the same financial institution.

"(j) For purposes of this section—

"(1) The term 'electronic funds transfer' means any transfer of funds, other than a transaction originated by cash, check, or similar paper instrument, that is initiated through an electronic terminal, telephone, computer, or magnetic tape, for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account. The term includes Automated Clearing House transfers, Fed Wire transfers, transfers made at automatic teller machines, and point-of-sale terminals.

"(2) The term 'Federal agency' means—

"(A) an agency (as defined in section 101 of this title); and

"(B) a Government corporation (as defined in section 103 of title 5).

"(3) The term 'Federal payments' includes—

"(A) Federal wage, salary, and retirement payments;

"(B) vendor and expense reimbursement payments; and

"(C) benefit payments.

Such term shall not include any payment under the Internal Revenue Code of 1986."

(2) AMENDMENTS RELATING TO SUBSTITUTE CHECKS.—Section 3331 of title 31, United States Code, is amended—

(A) in subsection (b), by striking "subsection (c)" and inserting "subsection (c) or (f)";

(B) by redesignating subsection (f) as subsection (g); and

(C) by inserting after subsection (e) the following new subsection:

"(f) The Secretary may waive any provision of this section as may be necessary to ensure that claimants receive timely payments."

(3) PERMANENT FUNDING OF THE CHECK FORGERY INSURANCE FUND.—Section 3343 of title 31, United States Code, is amended—

(A) in subsection (a), by amending the second sentence to read as follows: "Necessary amounts are hereafter appropriated to the Fund out of any moneys in the Treasury not otherwise appropriated, and shall remain available until expended to make the payments required or authorized under this section.";

(B) in subsection (b)—

(i) by inserting "in the determination of the Secretary the payee or special endorse establishes that" after "without interest if";

(ii) in paragraph (2), by inserting “and” after the semicolon;

(iii) in paragraph (3), by striking “; and” and inserting a period; and

(iv) by striking paragraph (4);

(C) in subsection (d), by inserting after the first sentence the following new sentence: “The Secretary may use amounts in the Fund to reimburse payment certifying or authorizing agencies for any payment that the Secretary determines would otherwise have been payable from the Fund, and may reimburse certifying or authorizing agencies with amounts recovered because of payee nonentitlement.”;

(D) by redesignating subsection (e) as subsection (g); and

(E) by inserting after subsection (d) the following new subsections:

“(e) The Secretary may waive any provision of this section as may be necessary to ensure that claimants receive timely payments.

“(f) Under such conditions as the Secretary may prescribe, the Secretary may delegate duties and powers of the Secretary under this section to the head of an agency. Consistent with a delegation from the Secretary under this subsection, the head of an agency may redelegate those duties and powers to officers or employees of the agency.”.

(y) Section 3325 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(d) The head of an executive agency or an officer or employee of an executive agency referred to in subsection (a)(1)(B), as applicable, shall include with each certified voucher submitted to a disbursing official pursuant to this section the taxpayer identifying number of each person to whom payment may be made under the voucher.”.

(z)(1) IN GENERAL.—Section 3701 of title 31, United States Code, is amended—

(A) by amending subsection (a)(1) to read as follows:

“(1) ‘administrative offset’ means withholding funds payable by the United States (including funds payable by the United States on behalf of a State government) to, or held by the United States for, a person to satisfy a claim.”;

(B) by amending subsection (b) to read as follows:

“(b)(1) In subchapter II of this chapter and subsection (a)(8) of this section, the term ‘claim’ or ‘debt’ means any amount of funds or property that has been determined by an appropriate official of the Federal Government to be owed to the United States by a person, organization, or entity other than another Federal agency. A claim includes, without limitation—

“(A) funds owed on account of loans made, insured, or guaranteed by the Government, including any deficiency or any difference between the price obtained by the Government in the sale of a property and the amount owed to the Government on a mortgage on the property,

“(B) expenditures of nonappropriated funds,

“(C) over-payments, including payments disallowed by audits performed by the Inspector General of the agency administering the program,

“(D) any amount the United States is authorized by statute to collect for the benefit of any person,

“(E) the unpaid share of any non-Federal partner in a program involving a Federal payment and a matching, or cost-sharing, payment by the non-Federal partner,

“(F) any fines or penalties assessed by an agency; and

“(G) other amounts of money or property owed to the Government.

“(2) For purposes of section 3716 of this title, each of the terms ‘claim’ and ‘debt’ includes an amount of funds or property owed by a person to a State (including any past-due support being enforced by the State), the District of Columbia, American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Commonwealth of Puerto Rico.”;

(C) by adding after subsection (d) the following new subsection:

“(e) In section 3716 of this title—

“(1) ‘creditor agency’ means any agency owed a claim that seeks to collect that claim through administrative offset; and

“(2) ‘payment certifying agency’ means any agency that has transmitted a voucher to a disbursing official for disbursement.

“(f) In section 3711 of this title, ‘private collection contractor’ means private debt collectors under contract with an agency to collect a nontax debt or claim owed the United States. The term includes private debt collectors, collection agencies, and commercial attorneys.”; and

(D) by amending subsection (d) to read as follows:

“(d) Sections 3711(f) and 3716–3719 of this title do not apply to a claim or debt under, or to an amount payable under—

“(1) the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.),

“(2) the Social Security Act (42 U.S.C. 301 et seq.), except to the extent provided under section 204(f) of such Act and section 3716(c) of this title, or

“(3) the tariff laws of the United States.”.

(2) SOCIAL SECURITY.—

(A) APPLICATION OF AMENDMENTS MADE BY THIS ACT.—Subsection (f) of section 204 of the Social Security Act (42 U.S.C. 404) is amended to read as follows:

“(f)(1) With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(f), 3716, 3717, and 3718 of title 31, United States Code and in section 5514 of title 5, United States Code, as in effect immediately after the enactment of the Debt Collection Improvement Act of 1996.”

(B) PERMANENT APPLICATION.—Subsection (c) of section 5 of the Social Security Domestic Reform Act of 1994 (Public Law 103-387) is amended by striking “and before” and all that follows and inserting a period.

(aa)(1) GUIDELINES.—The Secretary of the Treasury, in consultation with concerned Federal agencies, may establish guidelines, including information on outstanding debt, to assist agencies in the performance and monitoring of debt collection activities.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Treasury shall report to the Congress on collection services provided by Federal agencies or entities collecting debt on behalf of other Federal agencies under the

31 USC 3701  
note.

31 USC 3711  
note.

31 USC 3711  
note.

authorities contained in section 3711(g) of title 31, United States Code, as added by subsection (m) of this section.

(3) AGENCY REPORTS.—Section 3719 of title 31, United States Code, is amended—

(A) in subsection (a)—

(i) by amending the first sentence to read as follows: Regulations.  
“In consultation with the Comptroller General of the United States, the Secretary of the Treasury shall prescribe regulations requiring the head of each agency with outstanding nontax claims to prepare and submit to the Secretary at least once each year a report summarizing the status of loans and accounts receivable that are managed by the head of the agency.”; and

(ii) in paragraph (3), by striking “Director” and inserting “Secretary”; and

(B) in subsection (b), by striking “Director” and inserting “Secretary”.

(4) CONSOLIDATION OF REPORTS.—Notwithstanding any other provision of law, the Secretary of the Treasury may consolidate reports concerning debt collection otherwise required to be submitted by the Secretary into one annual report. 31 USC 3719 note.

(bb) The Director of the Office of Management and Budget shall— 31 USC 3711 note.

(1) review the standards and policies of each Federal agency for compromising, writing-down, forgiving, or discharging indebtedness arising from programs of the agency;

(2) determine whether those standards and policies are consistent and protect the interests of the United States;

(3) in the case of any Federal agency standard or policy that the Director determines is not consistent or does not protect the interests of the United States, direct the head of the agency to make appropriate modifications to the standard or policy; and

(4) report annually to the Congress on—

(A) deficiencies in the standards and policies of Federal agencies for compromising, writing-down, forgiving, or discharging indebtedness; and

(B) progress made in improving those standards and policies.

(cc)(1) ELIMINATION OF MINIMUM NUMBER OF CONTRACTS.—Section 3718(b)(1)(A) of title 31, United States Code, is amended by striking the fourth sentence.

(2) REPEAL.—Sections 3 and 5 of the Act of October 28, 1986 (popularly known as the Federal Debt Recovery Act; Public Law 99-578, 100 Stat. 3305) are hereby repealed. 31 USC 3718 notes.

## FEDERAL ADMINISTRATIVE AND PERSONAL SERVICES EXPENSES

### (RECISSIONS)

SEC. 31002. (a) Of the funds available to the agencies of the Federal Government, \$500,000,000 are hereby rescinded: *Provided*, That rescissions pursuant to this paragraph shall be taken only from administrative and personal services and contractual services and supplies accounts: *Provided further*, That rescissions shall be taken on a pro rata basis from funds available to every Federal

Records.

agency, department, and office in the Executive Branch, including the Office of the President.

(b) Within 30 days of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House and Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsections (a) and (b) of this section.

This Act may be cited as the "Omnibus Consolidated Rescissions and Appropriations Act of 1996".

Approved April 26, 1996.

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LEGISLATIVE HISTORY—H.R. 3019 (S. 1594):

HOUSE REPORTS: No. 104-537 (Comm. of Conference).

SENATE REPORTS: No. 104-236 accompanying S. 1594 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Mar. 7, considered and passed House.

Mar. 11-15, 18, 19, considered and passed Senate, amended.

Apr. 25, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Apr. 26, Presidential statement.

Public Law 104-135  
104th Congress

An Act

Apr. 30, 1996  
[H.R. 255]

To designate the Federal Justice Building in Miami, Florida, as the "James Lawrence King Federal Justice Building".

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The Federal Justice Building located at 99 Northeast Fourth Street in Miami, Florida, shall be known and designated as the "James Lawrence King Federal Justice Building".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "James Lawrence King Federal Justice Building".

Approved April 30, 1996.

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**LEGISLATIVE HISTORY—H.R. 255:**

HOUSE REPORTS: No. 104-361 (Comm. on Transportation and Infrastructure).  
CONGRESSIONAL RECORD:

Vol. 141 (1995): Dec. 5, considered and passed House.

Vol. 142 (1996): Apr. 16, considered and passed Senate.

Public Law 104-136  
104th Congress

An Act

To designate the Federal building and United States courthouse located at 125 Market Street in Youngstown, Ohio, as the "Thomas D. Lambros Federal Building and United States Courthouse".

Apr. 30, 1996  
[H.R. 869]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The Federal building and United States courthouse located at 125 Market Street in Youngstown, Ohio, shall be known and designated as the "Thomas D. Lambros Federal Building and United States Courthouse".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Thomas D. Lambros Federal Building and United States Courthouse".

Approved April 30, 1996.

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**LEGISLATIVE HISTORY—H.R. 869:**

HOUSE REPORTS: No. 104-365 (Comm. on Transportation and Infrastructure).

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): Dec. 5, considered and passed House.

Vol. 142 (1996): Apr. 16, considered and passed Senate.

Public Law 104-137  
104th Congress

An Act

Apr. 30, 1996

[H.R. 1804]

To designate the United States Post Office-Courthouse located at South 6th and Rogers Avenue, Fort Smith, Arkansas, as the "Judge Isaac C. Parker Federal Building".

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The United States Post Office-Courthouse located at South 6th and Rogers Avenue, Fort Smith, Arkansas, shall be known and designated as the "Judge Isaac C. Parker Federal Building".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office-Courthouse referred to in section 1 shall be deemed to be a reference to the "Judge Isaac C. Parker Federal Building".

Approved April 30, 1996.

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**LEGISLATIVE HISTORY—H.R. 1804:**

HOUSE REPORTS: No. 104-367 (Comm. on Transportation and Infrastructure).

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): Dec. 5, considered and passed House.

Vol. 142 (1996): Apr. 16, considered and passed Senate.

Public Law 104-138  
104th Congress

An Act

To designate the United States Customs Administrative Building at the Ysleta/Zaragosa Port of Entry located at 797 South Zaragosa Road in El Paso, Texas, as the "Timothy C. McCaghren Customs Administrative Building".

Apr. 30, 1996  
[H.R. 2415]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The United States Customs Administrative Building at the Ysleta/Zaragosa Port of Entry located at 797 South Zaragosa Road in El Paso, Texas, shall be known and designated as the "Timothy C. McCaghren Customs Administrative Building".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "Timothy C. McCaghren Customs Administrative Building".

Approved April 30, 1996.

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**LEGISLATIVE HISTORY—H.R. 2415:**

HOUSE REPORTS: No. 104-415 (Comm. on Transportation and Infrastructure).

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): Dec. 18, considered and passed House.

Vol. 142 (1996): Apr. 16, considered and passed Senate.

Public Law 104-139  
104th Congress

An Act

Apr. 30, 1996  
[H.R. 2556]

To redesignate the Federal building located at 345 Middlefield Road in Menlo Park, California, and known as the Earth Sciences and Library Building, as the "Vincent E. McKelvey Federal Building".

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REDESIGNATION.**

The Federal building located at 345 Middlefield Road, in Menlo Park, California, and known as the Earth Sciences and Library Building, shall be known and designated as the "Vincent E. McKelvey Federal Building".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Vincent E. McKelvey Federal Building".

Approved April 30, 1996.

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**LEGISLATIVE HISTORY—H.R. 2556:**

HOUSE REPORTS: No. 104-418 (Comm. on Transportation and Infrastructure).  
CONGRESSIONAL RECORD:

Vol. 141 (1995): Dec. 18, considered and passed House.

Vol. 142 (1996): Apr. 16, considered and passed Senate.

Public Law 104-140  
104th Congress

Joint Resolution

Making corrections to Public Law 104-134.

May 2, 1996

[S.J. Res. 53]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That:*

(a) In Public Law 104-134, insert after the enacting clause: *Ante*, p. 1321.

“TITLE I—OMNIBUS APPROPRIATIONS”.

(b) The two penultimate undesignated paragraphs under the subheading “ADMINISTRATIVE PROVISIONS, FOREST SERVICE” under the heading “TITLE II—RELATED AGENCIES, DEPARTMENT OF AGRICULTURE” of the Department of the Interior and Related Agencies Appropriations Act, 1996, as contained in section 101(c) of Public Law 104-134, are repealed.

(c) Section 520 under the heading “TITLE V—GENERAL PROVISIONS” of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, as contained in section 101(e) of Public Law 104-134, is repealed.

(d) Strike out section 337 under the heading “TITLE III—GENERAL PROVISIONS” of the Department of the Interior and Related Agencies Appropriations Act, 1996, as contained in section 101(c) of Public Law 104-134, and insert in lieu thereof:

“SEC. 337. The Secretary of the Interior shall promptly convey to the Daughters of the American Colonists, without reimbursement, all right, title and interest in the plaque that in 1933 was placed on the Great Southern Hotel in Saint Louis, Missouri by the Daughters of the American Colonists to mark the site of Fort San Carlos.”.

(e) Section 21104 of Public Law 104-134 is repealed.

Approved May 2, 1996.

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LEGISLATIVE HISTORY—S.J. Res. 53:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Apr. 30, considered and passed Senate and House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

May 2, Presidential statement.

Public Law 104-141  
104th Congress

An Act

May 6, 1996  
[H.R. 3055]

To amend section 326 of the Higher Education Act of 1965 to permit continued participation by Historically Black Graduate Professional Schools in the grant program authorized by that section.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

20 USC 1063b  
note.

**SECTION 1. FINDINGS.**

The Congress finds the following:

(1) The Historically Black Graduate Professional Schools identified under section 326 of the Higher Education Act may receive grant funds if the Secretary of Education determines that such institutions make a substantial contribution to the legal, medical, dental, veterinary, or other graduate opportunity for African Americans.

(2) The health professions schools which participate under section 326 train 50 percent of the Nation's African American physicians, 50 percent of the Nation's African American dentists, 50 percent of the Nation's African American pharmacists, and 75 percent of the Nation's African American veterinarians.

(3) A majority of the graduates of these schools practice in poor urban and rural areas of the country providing care to many disadvantaged Americans.

(4) The survival of these schools will contribute to the improved health status of disadvantaged persons, and of all Americans.

**SEC. 2. ELIMINATION OF GRANT RENEWAL LIMITATION.**

Section 326(b) of the Higher Education Act of 1965 (20 U.S.C. 1063b(b)) is amended by striking the second sentence.

Approved May 6, 1996.

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**LEGISLATIVE HISTORY—H.R. 3055:**

HOUSE REPORTS: No. 104-504 (Comm. on Economic and Educational Opportunities).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Apr. 23, considered and passed House.

Apr. 24, considered and passed Senate.

Public Law 104-142  
104th Congress

An Act

To phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes.

May 13, 1996

[H.R. 2024]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Mercury-Containing and Rechargeable Battery Management Act”.

Mercury-Containing and Rechargeable Battery Management Act. Environmental protection.  
42 USC 14301 note.  
42 USC 14301.

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) it is in the public interest to—

(A) phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and other regulated batteries; and

(B) educate the public concerning the collection, recycling, and proper disposal of such batteries;

(2) uniform national labeling requirements for regulated batteries, rechargeable consumer products, and product packaging will significantly benefit programs for regulated battery collection and recycling or proper disposal; and

(3) it is in the public interest to encourage persons who use rechargeable batteries to participate in collection for recycling of used nickel-cadmium, small sealed lead-acid, and other regulated batteries.

**SEC. 3. DEFINITIONS.**

42 USC 14302.

For purposes of this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **BUTTON CELL.**—The term “button cell” means a button- or coin-shaped battery.

(3) **EASILY REMOVABLE.**—The term “easily removable”, with respect to a battery, means detachable or removable at the end of the life of the battery—

(A) from a consumer product by a consumer with the use of common household tools; or

(B) by a retailer of replacements for a battery used as the principal electrical power source for a vehicle.

(4) **MERCURIC-OXIDE BATTERY.**—The term “mercuric-oxide battery” means a battery that uses a mercuric-oxide electrode.

(5) **RECHARGEABLE BATTERY.**—The term “rechargeable battery”—

(A) means 1 or more voltaic or galvanic cells, electrically connected to produce electric energy, that is designed to be recharged for repeated uses; and

(B) includes any type of enclosed device or sealed container consisting of 1 or more such cells, including what is commonly called a battery pack (and in the case of a battery pack, for the purposes of the requirements of easy removability and labeling under section 103, means the battery pack as a whole rather than each component individually); but

(C) does not include—

(i) a lead-acid battery used to start an internal combustion engine or as the principal electrical power source for a vehicle, such as an automobile, a truck, construction equipment, a motorcycle, a garden tractor, a golf cart, a wheelchair, or a boat;

(ii) a lead-acid battery used for load leveling or for storage of electricity generated by an alternative energy source, such as a solar cell or wind-driven generator;

(iii) a battery used as a backup power source for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily; or

(iv) a rechargeable alkaline battery.

(6) **RECHARGEABLE CONSUMER PRODUCT.**—The term “rechargeable consumer product”—

(A) means a product that, when sold at retail, includes a regulated battery as a primary energy supply, and that is primarily intended for personal or household use; but

(B) does not include a product that only uses a battery solely as a source of backup power for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily.

(7) **REGULATED BATTERY.**—The term “regulated battery” means a rechargeable battery that—

(A) contains a cadmium or a lead electrode or any combination of cadmium and lead electrodes; or

(B) contains other electrode chemistries and is the subject of a determination by the Administrator under section 103(d).

(8) **REMANUFACTURED PRODUCT.**—The term “remanufactured product” means a rechargeable consumer product that has been altered by the replacement of parts, repackaged, or repaired after initial sale by the original manufacturer.

#### SEC. 4. INFORMATION DISSEMINATION.

The Administrator shall, in consultation with representatives of rechargeable battery manufacturers, rechargeable consumer product manufacturers, and retailers, establish a program to provide

information to the public concerning the proper handling and disposal of used regulated batteries and rechargeable consumer products with nonremovable batteries.

**SEC. 5. ENFORCEMENT.**

42 USC 14304.

(a) **CIVIL PENALTY.**—When on the basis of any information the Administrator determines that a person has violated, or is in violation of, any requirement of this Act (except a requirement of section 104) the Administrator—

(1) in the case of any violation, may issue an order assessing a civil penalty of not more than \$10,000 for each violation, or requiring compliance immediately or within a reasonable specified time period, or both; or

(2) in the case of any violation or failure to comply with an order issued under this section, may commence a civil action in the United States district court in the district in which the violation occurred or in the district in which the violator resides for appropriate relief, including a temporary or permanent injunction.

(b) **CONTENTS OF ORDER.**—An order under subsection (a)(1) shall state with reasonable specificity the nature of the violation.

(c) **CONSIDERATIONS.**—In assessing a civil penalty under subsection (a)(1), the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(d) **FINALITY OF ORDER; REQUEST FOR HEARING.**—An order under subsection (a)(1) shall become final unless, not later than 30 days after the order is served, a person named in the order requests a hearing on the record.

(e) **HEARING.**—On receiving a request under subsection (d), the Administrator shall promptly conduct a hearing on the record.

(f) **SUBPOENA POWER.**—In connection with any hearing on the record under this section, the Administrator may issue subpoenas for the attendance and testimony of witnesses and for the production of relevant papers, books, and documents.

(g) **CONTINUED VIOLATION AFTER EXPIRATION OF PERIOD FOR COMPLIANCE.**—If a violator fails to take corrective action within the time specified in an order under subsection (a)(1), the Administrator may assess a civil penalty of not more than \$10,000 for the continued noncompliance with the order.

(h) **SAVINGS PROVISION.**—The Administrator may not take any enforcement action against a person for selling, offering for sale, or offering for promotional purposes to the ultimate consumer a battery or product covered by this Act that was—

(1) purchased ready for sale to the ultimate consumer;

and

(2) sold, offered for sale, or offered for promotional purposes without modification.

The preceding sentence shall not apply to a person—

(A) who is the importer of a battery covered by this Act,

and

(B) who has knowledge of the chemical contents of the battery

when such chemical contents make the sale, offering for sale, or offering for promotional purposes of such battery unlawful under title II of this Act.

42 USC 14305.

**SEC. 6. INFORMATION GATHERING AND ACCESS.**

(a) **RECORDS AND REPORTS.**—A person who is required to carry out the objectives of this Act, including—

- (1) a regulated battery manufacturer;
- (2) a rechargeable consumer product manufacturer;
- (3) a mercury-containing battery manufacturer; and
- (4) an authorized agent of a person described in paragraph (1), (2), or (3),

shall establish and maintain such records and report such information as the Administrator may by regulation reasonably require to carry out the objectives of this Act.

(b) **ACCESS AND COPYING.**—The Administrator or the Administrator's authorized representative, on presentation of credentials of the Administrator, may at reasonable times have access to and copy any records required to be maintained under subsection (a).

(c) **CONFIDENTIALITY.**—The Administrator shall maintain the confidentiality of documents and records that contain proprietary information.

42 USC 14306.

**SEC. 7. STATE AUTHORITY.**

Nothing in this Act shall be construed to prohibit a State from enacting and enforcing a standard or requirement that is identical to a standard or requirement established or promulgated under this Act. Except as provided in sections 103(e) and 104, nothing in this Act shall be construed to prohibit a State from enacting and enforcing a standard or requirement that is more stringent than a standard or requirement established or promulgated under this Act.

42 USC 14307.

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Rechargeable  
Battery Recycling  
Act.

## **TITLE I—RECHARGEABLE BATTERY RECYCLING ACT**

42 USC 14301  
note.**SEC. 101. SHORT TITLE.**

This title may be cited as the "Rechargeable Battery Recycling Act".

42 USC 14321.

**SEC. 102. PURPOSE.**

The purpose of this title is to facilitate the efficient recycling or proper disposal of used nickel-cadmium rechargeable batteries, used small sealed lead-acid rechargeable batteries, other regulated batteries, and such rechargeable batteries in used consumer products, by—

- (1) providing for uniform labeling requirements and streamlined regulatory requirements for regulated battery collection programs; and
- (2) encouraging voluntary industry programs by eliminating barriers to funding the collection and recycling or proper disposal of used rechargeable batteries.

42 USC 14322.

**SEC. 103. RECHARGEABLE CONSUMER PRODUCTS AND LABELING.**

(a) **PROHIBITION.**—

(1) **IN GENERAL.**—No person shall sell for use in the United States a regulated battery that is ready for retail sale or a rechargeable consumer product that is ready for retail sale, if such battery or product was manufactured on or after the date 12 months after the date of enactment of this Act, unless the labeling requirements of subsection (b) are met and, in the case of a regulated battery, the regulated battery—

(A) is easily removable from the rechargeable consumer product; or

(B) is sold separately.

(2) **APPLICATION.**—Paragraph (1) does not apply to any of the following:

(A) The sale of a remanufactured product unit unless paragraph (1) applied to the sale of the unit when originally manufactured.

(B) The sale of a product unit intended for export purposes only.

(b) **LABELING.**—Each regulated battery or rechargeable consumer product without an easily removable battery manufactured on or after the date that is 1 year after the date of enactment of this Act, whether produced domestically or imported shall bear the following labels:

(1) 3 chasing arrows or a comparable recycling symbol.

(2)(A) On each regulated battery which is a nickel-cadmium battery, the chemical name or the abbreviation “Ni-Cd” and the phrase “BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.”

(B) On each regulated battery which is a lead-acid battery, “Pb” or the words “LEAD”, “RETURN”, and “RECYCLE” and if the regulated battery is sealed, the phrase “BATTERY MUST BE RECYCLED.”

(3) On each rechargeable consumer product containing a regulated battery that is not easily removable, the phrase “CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.” or “CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.”, as applicable.

(4) On the packaging of each rechargeable consumer product, and the packaging of each regulated battery sold separately from such a product, unless the required label is clearly visible through the packaging, the phrase “CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.” or “CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.”, as applicable.

(c) **EXISTING OR ALTERNATIVE LABELING.**—

(1) **INITIAL PERIOD.**—For a period of 2 years after the date of enactment of this Act, regulated batteries, rechargeable consumer products containing regulated batteries, and rechargeable consumer product packages that are labeled in substantial compliance with subsection (b) shall be deemed to comply with the labeling requirements of subsection (b).

(2) **CERTIFICATION.**—

(A) **IN GENERAL.**—On application by persons subject to the labeling requirements of subsection (b) or the labeling requirements promulgated by the Administrator under subsection (d), the Administrator shall certify that a dif-

ferent label meets the requirements of subsection (b) or (d), respectively, if the different label—

- (i) conveys the same information as the label required under subsection (b) or (d), respectively; or
- (ii) conforms with a recognized international standard that is consistent with the overall purposes of this title.

(B) CONSTRUCTIVE CERTIFICATION.—Failure of the Administrator to object to an application under subparagraph (A) on the ground that a different label does not meet either of the conditions described in subparagraph (A) (i) or (ii) within 120 days after the date on which the application is made shall constitute certification for the purposes of this Act.

(d) RULEMAKING AUTHORITY OF THE ADMINISTRATOR.—

(1) IN GENERAL.—If the Administrator determines that other rechargeable batteries having electrode chemistries different from regulated batteries are toxic and may cause substantial harm to human health and the environment if discarded into the solid waste stream for land disposal or incineration, the Administrator may, with the advice and counsel of State regulatory authorities and manufacturers of rechargeable batteries and rechargeable consumer products, and after public comment—

(A) promulgate labeling requirements for the batteries with different electrode chemistries, rechargeable consumer products containing such batteries that are not easily removable batteries, and packaging for the batteries and products; and

(B) promulgate requirements for easy removability of regulated batteries from rechargeable consumer products designed to contain such batteries.

(2) SUBSTANTIAL SIMILARITY.—The regulations promulgated under paragraph (1) shall be substantially similar to the requirements set forth in subsections (a) and (b).

(e) UNIFORMITY.—After the effective dates of a requirement set forth in subsection (a), (b), or (c) or a regulation promulgated by the Administrator under subsection (d), no Federal agency, State, or political subdivision of a State may enforce any easy removability or environmental labeling requirement for a rechargeable battery or rechargeable consumer product that is not identical to the requirement or regulation.

(f) EXEMPTIONS.—

(1) IN GENERAL.—With respect to any rechargeable consumer product, any person may submit an application to the Administrator for an exemption from the requirements of subsection (a) in accordance with the procedures under paragraph (2). The application shall include the following information:

(A) A statement of the specific basis for the request for the exemption.

(B) The name, business address, and telephone number of the applicant.

(2) GRANTING OF EXEMPTION.—Not later than 60 days after receipt of an application under paragraph (1), the Administrator shall approve or deny the application. On approval of the application the Administrator shall grant an exemption to the

applicant. The exemption shall be issued for a period of time that the Administrator determines to be appropriate, except that the period shall not exceed 2 years. The Administrator shall grant an exemption on the basis of evidence supplied to the Administrator that the manufacturer has been unable to commence manufacturing the rechargeable consumer product in compliance with the requirements of this section and with an equivalent level of product performance without the product—

(A) posing a threat to human health, safety, or the environment; or

(B) violating requirements for approvals from governmental agencies or widely recognized private standard-setting organizations (including Underwriters Laboratories).

(3) RENEWAL OF EXEMPTION.—A person granted an exemption under paragraph (2) may apply for a renewal of the exemption in accordance with the requirements and procedures described in paragraphs (1) and (2). The Administrator may grant a renewal of such an exemption for a period of not more than 2 years after the date of the granting of the renewal.

#### SEC. 104. REQUIREMENTS.

42 USC 14323.

(a) BATTERIES SUBJECT TO CERTAIN REGULATIONS.—The collection, storage, or transportation of used rechargeable batteries, batteries described in section 3(5)(C) or in title II, and used rechargeable consumer products containing rechargeable batteries that are not easily removable rechargeable batteries, shall, notwithstanding any law of a State or political subdivision thereof governing such collection, storage, or transportation, be regulated under applicable provisions of the regulations promulgated by the Environmental Protection Agency at 60 Fed. Reg. 25492 (May 11, 1995), as effective on May 11, 1995, except as provided in paragraph (2) of subsection (b) and except that—

(1) the requirements of 40 CFR 260.20, 260.40, and 260.41 and the equivalent requirements of an approved State program shall not apply, and

(2) this section shall not apply to any lead acid battery managed under 40 CFR 266 subpart G or the equivalent requirements of an approved State program.

(b) ENFORCEMENT UNDER SOLID WASTE DISPOSAL ACT.—(1) Any person who fails to comply with the requirements imposed by subsection (a) of this section may be subject to enforcement under applicable provisions of the Solid Waste Disposal Act.

(2) States may implement and enforce the requirements of subsection (a) if the Administrator finds that—

(A) the State has adopted requirements that are identical to those referred to in subsection (a) governing the collection, storage, or transportation of batteries referred to in subsection (a); and

(B) the State provides for enforcement of such requirements.

Mercury-  
Containing  
Battery  
Management Act.

## TITLE II—MERCURY-CONTAINING BATTERY MANAGEMENT ACT

42 USC 14301  
note.

### SEC. 201. SHORT TITLE.

This title may be cited as the “Mercury-Containing Battery Management Act”.

42 USC 14331.

### SEC. 202. PURPOSE.

The purpose of this title is to phase out the use of batteries containing mercury.

42 USC 14332.

### SEC. 203. LIMITATIONS ON THE SALE OF ALKALINE-MANGANESE BATTERIES CONTAINING MERCURY.

No person shall sell, offer for sale, or offer for promotional purposes any alkaline-manganese battery manufactured on or after the date of enactment of this Act, with a mercury content that was intentionally introduced (as distinguished from mercury that may be incidentally present in other materials), except that the limitation on mercury content in alkaline-manganese button cells shall be 25 milligrams of mercury per button cell.

42 USC 14333.

### SEC. 204. LIMITATIONS ON THE SALE OF ZINC-CARBON BATTERIES CONTAINING MERCURY.

No person shall sell, offer for sale, or offer for promotional purposes any zinc-carbon battery manufactured on or after the date of enactment of this Act, that contains mercury that was intentionally introduced as described in section 203.

42 USC 14334.

### SEC. 205. LIMITATIONS ON THE SALE OF BUTTON CELL MERCURIC-OXIDE BATTERIES.

No person shall sell, offer for sale, or offer for promotional purposes any button cell mercuric-oxide battery for use in the United States on or after the date of enactment of this Act.

42 USC 14335.

### SEC. 206. LIMITATIONS ON THE SALE OF OTHER MERCURIC-OXIDE BATTERIES.

(a) PROHIBITION.—On or after the date of enactment of this Act, no person shall sell, offer for sale, or offer for promotional purposes a mercuric-oxide battery for use in the United States unless the battery manufacturer, or the importer of such a battery—

(1) identifies a collection site in the United States that has all required Federal, State, and local government approvals, to which persons may send used mercuric-oxide batteries for recycling or proper disposal;

(2) informs each of its purchasers of mercuric-oxide batteries of the collection site identified under paragraph (1); and

(3) informs each of its purchasers of mercuric-oxide batteries of a telephone number that the purchaser may call to get information about sending mercuric-oxide batteries for recycling or proper disposal.

(b) APPLICATION OF SECTION.—This section does not apply to a sale or offer of a mercuric-oxide button cell battery.

42 USC 14336.

### SEC. 207. NEW PRODUCT OR USE.

On petition of a person that proposes a new use for a battery technology described in this title or the use of a battery described in this title in a new product, the Administrator may exempt

from this title the new use of the technology or the use of such a battery in the new product on the condition, if appropriate, that there exist reasonable safeguards to ensure that the resulting battery or product without an easily removable battery will not be disposed of in an incinerator, composting facility, or landfill (other than a facility regulated under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.)).

Approved May 13, 1996.

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**LEGISLATIVE HISTORY—H.R. 2024 (S. 619):**

HOUSE REPORTS: No. 104-530 (Comm. on Commerce).

SENATE REPORTS: No. 104-136 accompanying S. 619 (Comm. on Environment and Public Works).

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): Sept. 21, S. 619 considered and passed Senate.

Vol. 142 (1996): Apr. 23, H.R. 2024 considered and passed House.

Apr. 25, considered and passed Senate.

Public Law 104-143  
104th Congress

An Act

May 15, 1996  
[H.R. 2243]

Trinity River  
Basin Fish and  
Wildlife  
Management  
Reauthorization  
Act of 1995.  
California.

To amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1995”.

**SEC. 2. CLARIFICATION OF FINDINGS.**

Section 1 of the Act entitled “An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes”, approved October 24, 1984 (98 Stat. 2721), as amended, is amended—

(1) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(2) by adding after paragraph (4) the following:

“(5) Trinity Basin fisheries restoration is to be measured not only by returning adult anadromous fish spawners, but by the ability of dependent tribal, commercial, and sport fisheries to participate fully, through enhanced in-river and ocean harvest opportunities, in the benefits of restoration;” and

(3) by amending paragraph (7), as so redesignated, to read as follows:

“(7) the Secretary requires additional authority to implement a management program, in conjunction with other appropriate agencies, to achieve the long-term goals of restoring fish and wildlife populations in the Trinity River Basin, and, to the extent these restored populations will contribute to ocean populations of adult salmon, steelhead, and other anadromous fish, such management program will aid in the resumption of commercial, including ocean harvest, and recreational fishing activities.”.

**SEC. 3. CHANGES TO MANAGEMENT PROGRAM.**

(a) OCEAN FISH LEVELS.—Section 2(a) of the Act entitled “An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes”, approved October 24, 1984 (98 Stat. 2722), as amended, is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting “, in consultation with the Secretary of Commerce where appropriate,” after “Secretary”; and

(B) by adding the following after "such levels.": "To the extent these restored fish and wildlife populations will contribute to ocean populations of adult salmon, steelhead, and other anadromous fish, such management program is intended to aid in the resumption of commercial, including ocean harvest, and recreational fishing activities."

(b) FISH HABITATS IN THE KLAMATH RIVER.—Paragraph (1)(A) of such section (98 Stat. 2722) is amended by striking "Weitchpec;" and inserting "Weitchpec and in the Klamath River downstream of the confluence with the Trinity River;"

(c) TRINITY RIVER FISH HATCHERY.—Paragraph (1)(C) of such section (98 Stat. 2722) is amended by inserting before the period the following: ", so that it can best serve its purpose of mitigation of fish habitat loss above Lewiston Dam while not impairing efforts to restore and maintain naturally reproducing anadromous fish stocks within the basin".

(d) ADDITION OF INDIAN TRIBES.—Section 2(b)(2) of such Act (98 Stat. 2722) is amended by striking "tribe" and inserting "tribes".

#### SEC. 4. ADDITIONS TO TASK FORCE.

(a) IN GENERAL.—Section 3(a) of the Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2722), as amended, is amended—

(1) by striking "fourteen" and inserting "nineteen";

(2) by striking "United States Soil Conservation Service" in paragraph (10) and inserting "Natural Resources Soil and Conservation Service"; and

(3) by inserting after paragraph (14) the following:

"(15) One individual to be appointed by the Yurok Tribe.

"(16) One individual to be appointed by the Karuk Tribe.

"(17) One individual to represent commercial fishing interests, to be appointed by the Secretary after consultation with the Board of Directors of the Pacific Coast Federation of Fishermen's Associations.

"(18) One individual to represent sport fishing interests, to be appointed by the Secretary after consultation with the Board of Directors of the California Advisory Committee on Salmon and Steelhead Trout.

"(19) One individual to be appointed by the Secretary, in consultation with the Secretary of Agriculture, to represent the timber industry."

(b) COORDINATION.—Section 3 of such Act (98 Stat. 2722) is further amended by adding at the end thereof the following new subsection:

"(d) Task Force actions or management on the Klamath River from Weitchpec downstream to the Pacific Ocean shall be coordinated with, and conducted with the full knowledge of, the Klamath River Basin Fisheries Task Force and the Klamath Fishery Management Council, as established under Public Law 99-552. The Secretary shall appoint a designated representative to ensure such coordination and the exchange of information between the Trinity River Task Force and these two entities."

(c) REIMBURSEMENT.—Section 3(c)(2) of such Act (98 Stat. 2723) is amended by adding at the end the following: "Members of the Task Force who are not full-time officers or employees of the United States, the State of California (or a political subdivision thereof),

or an Indian tribe, may be reimbursed for such expenses as may be incurred by reason of their service on the Task Force, as consistent with applicable laws and regulations.”

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to actions taken by the Trinity River Basin Fish and Wildlife Task Force on and after 120 days after the date of the enactment of this Act.

#### SEC. 5. APPROPRIATIONS.

(a) EXTENSION OF AUTHORIZATION.—Section 4(a) of the Act entitled “An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes”, approved October 24, 1984 (98 Stat. 2723), as amended, is amended—

(1) in paragraph (1), by striking “October 1, 1995” and inserting in lieu thereof “October 1, 1998”; and

(2) in paragraph (2), by striking “ten-year” and inserting in lieu thereof “13-year”.

(b) IN-KIND SERVICES; OVERHEAD; AND FINANCIAL AND AUDIT REPORTS.—Section 4 of such Act (98 Stat. 2724) is amended—

(1) by designating subsection (d) as subsection (h); and

(2) by inserting after subsection (c) the following new subsections:

“(d) The Secretary is authorized to accept in-kind services as payment for obligations incurred under subsection (b)(1).

“(e) Not more than 20 percent of the amounts appropriated under subsection (a) may be used for overhead and indirect costs. For the purposes of this subsection, the term ‘overhead and indirect costs’ means costs incurred in support of accomplishing specific work activities and jobs. Such costs are primarily administrative in nature and are such that they cannot be practically identified and charged directly to a project or activity and must be distributed to all jobs on an equitable basis. Such costs include compensation for administrative staff, general staff training, rent, travel expenses, communications, utility charges, miscellaneous materials and supplies, janitorial services, depreciation and replacement expenses on capitalized equipment. Such costs do not include inspection and design of construction projects and environmental compliance activities, including (but not limited to) preparation of documents in compliance with the National Environmental Policy Act of 1969.

“(f) Not later than December 31 of each year, the Secretary shall prepare reports documenting and detailing all expenditures incurred under this Act for the fiscal year ending on September 30 of that same year. Such reports shall contain information adequate for the public to determine how such funds were used to carry out the purposes of this Act. Copies of such reports shall be submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

“(g) The Secretary shall periodically conduct a programmatic audit of the in-river fishery monitoring and enforcement programs under this Act and submit a report concerning such audit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.”

(c) AUTHORITY TO SEEK APPROPRIATIONS.—Section 4 of such Act, as amended by subsection (b) of this section, is further amended by inserting after subsection (h) the following new subsection:

“(i) Beginning in the fiscal year immediately following the year the restoration effort is completed and annually thereafter, the Secretary is authorized to seek appropriations as necessary to monitor, evaluate, and maintain program investments and fish and wildlife populations in the Trinity River Basin for the purpose of achieving long-term fish and wildlife restoration goals.”.

**SEC. 6. NO RIGHTS AFFECTED.**

The Act entitled “An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes”, approved October 24, 1984 (98 Stat. 2721), as amended, is further amended by inserting at the end thereof the following:

“PRESERVATION OF RIGHTS

“SEC. 5. Nothing in this Act shall be construed as establishing or affecting any past, present, or future rights of any Indian or Indian tribe or any other individual or entity.”.

**SEC. 7. SHORT TITLE OF 1984 ACT.**

The Act entitled “An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes”, approved October 24, 1984 (98 Stat. 2721), as amended by section 6 of this Act, is further amended by adding at the end the following:

“SHORT TITLE

“SEC. 6. This Act may be cited as the ‘Trinity River Basin Fish and Wildlife Management Act of 1984’.”.

Trinity River  
Basin Fish and  
Wildlife  
Management Act  
of 1984.

Approved May 15, 1996.

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**LEGISLATIVE HISTORY—H.R. 2243:**

HOUSE REPORTS: No. 104-395 (Comm. on Resources).

SENATE REPORTS: No. 104-253 (Comm. on Environment and Public Works).

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): Dec. 12, considered and passed House.

Vol. 142 (1996): May 3, considered and passed Senate.

Public Law 104-144  
104th Congress

An Act

May 16, 1996  
[H.R. 2064]

To grant the consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia.

Historic  
preservation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONSENT OF CONGRESS TO THE HISTORIC CHATTAHOOCHEE COMPACT BETWEEN THE STATES OF ALABAMA AND GEORGIA.**

The consent of Congress is given to the amendment of articles I, II, and III of the Historic Chattahoochee Compact between the States of Alabama and Georgia, which articles, as amended, read as follows:

“ARTICLE I

“The purpose of this compact is to promote the cooperative development of the Chattahoochee valley’s full potential for historic preservation and tourism and to establish a joint interstate authority to assist in these efforts.

“ARTICLE II

Effective date.

“This compact shall become effective immediately as to the States ratifying it whenever the States of Alabama and Georgia have ratified it and Congress has given consent thereto.

“ARTICLE III

Establishment.

“The States which are parties to this compact (hereinafter referred to as ‘party States’) do hereby establish and create a joint agency which shall be known as the Historic Chattahoochee Commission (hereinafter referred to as the ‘Commission’). The Commission shall consist of 28 members who shall be bona fide residents and qualified voters of the party States and counties served by the Commission. Election for vacant seats shall be by majority vote of the voting members of the Commission board at a regularly scheduled meeting. In Alabama, two shall be residents of Barbour County, two shall be residents of Russell County, two shall be residents of Henry County, two shall be residents of Chambers County, two shall be residents of Lee County, two shall be residents of Houston County, and two shall be residents of Dale County. In Georgia, one shall be a resident of Troup County, one shall be a resident of Harris County, one shall be a resident of Muscogee County, one shall be a resident of Chattahoochee County, one shall be a resident of Stewart County, one shall be a resident

of Randolph County, one shall be a resident of Clay County, one shall be a resident of Quitman County, one shall be a resident of Early County, one shall be a resident of Seminole County, and one shall be a resident of Decatur County. In addition, there shall be three at-large members who shall be selected from any three of the Georgia member counties listed above. The Commission at its discretion may appoint as many advisory members as it deems necessary from any Georgia or Alabama County which is located in the Chattahoochee Valley area. The contribution of each party State shall be in equal amounts. If the party States fail to appropriate equal amounts to the Commission during any given fiscal year, voting membership on the Commission board shall be determined as follows: The State making the larger appropriation shall be entitled to full voting membership. The total number of members from the other State shall be divided into the amount of the larger appropriation and the resulting quotient shall be divided into the amount of the smaller appropriation. The then resulting quotient, rounded to the next lowest whole number, shall be the number of voting members from the State making the smaller contribution. The members of the Commission from the State making the larger contribution shall decide which of the members from the other State shall serve as voting members, based upon the level of tourism, preservation, promotional activity, and general support of the Commission's activities by and in the county of residence of each of the members of the State making the smaller appropriation. Such determination shall be made at the next meeting of the Commission following September 30 of each year. Members of the Commission shall serve for terms of office as follows: Of the 14 Alabama members, one from each of said counties shall serve for two years and the remaining member of each county shall serve for four years. Upon the expiration of the original terms of office of Alabama members, all successor Alabama members shall be appointed for four-year terms of office, with seven vacancies in the Alabama membership occurring every two years. Of the 14 Georgia members, seven shall serve four-year terms and seven two-year terms for the initial term of this compact. The terms of the individual Georgia voting members shall be determined by their place in the alphabet by alternating the four- and two-year terms beginning with Chattahoochee County, four years, Clay County, two years, Decatur County, four years, etc. Upon the expiration of the original terms of office of Georgia members, all successor Georgia members shall be appointed for four-year terms of office, with seven vacancies in the Georgia membership occurring every two years. Of the three Georgia at-large board members, one shall serve a four-year term and two shall serve two-year terms.

“All board members shall serve until their successors are appointed and qualified. Vacancies shall be filled by the voting members of the Commission. The first chairman of the commission created by this compact shall be elected by the board of directors from among its voting membership. Annually thereafter, each succeeding chairman shall be selected by the members of the Commission. The chairmanship shall rotate each year among the party States in order of their acceptance of this compact. Members of the Commission shall serve without compensation but shall be entitled to reimbursement for actual expenses incurred in the performance of the duties of the Commission.”

Approved May 16, 1996.

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**LEGISLATIVE HISTORY—H.R. 2064 (S. 848):**

HOUSE REPORTS: No. 104-376 (Comm. on the Judiciary).

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): Nov. 9, S. 848 considered and passed Senate.

Vol. 142 (1996): Mar. 12, H.R. 2064 considered and passed House.  
May 3, considered and passed Senate.

Public Law 104-145  
104th Congress

An Act

To amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders.

May 17, 1996  
[H.R. 2137]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as "Megan's Law".

Megan's Law.

42 USC 13701  
note.

**SEC. 2. RELEASE OF INFORMATION AND CLARIFICATION OF PUBLIC NATURE OF INFORMATION.**

Section 170101(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(d)) is amended to read as follows:

"(d) RELEASE OF INFORMATION.—

"(1) The information collected under a State registration program may be disclosed for any purpose permitted under the laws of the State.

"(2) The designated State law enforcement agency and any local law enforcement agency authorized by the State agency shall release relevant information that is necessary to protect the public concerning a specific person required to register under this section, except that the identity of a victim of an offense that requires registration under this section shall not be released."

Approved May 17, 1996.

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**LEGISLATIVE HISTORY—H.R. 2137:**

HOUSE REPORTS: No. 104-555 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 142 (1996):

May 7, considered and passed House.

May 9, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

May 17, Presidential remarks.

Public Law 104-146  
104th Congress

An Act

May 20, 1996  
[S. 641]

An Act to amend the Public Health Service Act to revise and extend programs established pursuant to the Ryan White Comprehensive AIDS Resources Emergency Act of 1990.

Ryan White  
CARE Act  
Amendments of  
1996.  
42 USC 201 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Ryan White CARE Act Amendments of 1996”.

**SEC. 2. REFERENCES.**

Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

**SEC. 3. GENERAL AMENDMENTS.**

(a) PROGRAM OF GRANTS.—

(1) NUMBER OF CASES.—Section 2601(a) (42 U.S.C. 300ff-11) is amended—

(A) by striking “subject to subsection (b)” and inserting “subject to subsections (b) through (d)”; and

(B) by striking “metropolitan area” and all that follows and inserting the following: “metropolitan area for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of more than 2,000 cases of acquired immune deficiency syndrome for the most recent period of 5 calendar years for which such data are available.”.

(2) OTHER PROVISIONS REGARDING ELIGIBILITY.—Section 2601 (42 U.S.C. 300ff-11) is amended by adding at the end thereof the following new subsections:

“(c) REQUIREMENTS REGARDING POPULATION.—

“(1) NUMBER OF INDIVIDUALS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may not make a grant under this section for a metropolitan area unless the area has a population of 500,000 or more individuals.

“(B) LIMITATION.—Subparagraph (A) does not apply to any metropolitan area that was an eligible area under this part for fiscal year 1995 or any prior fiscal year.

“(2) GEOGRAPHIC BOUNDARIES.—For purposes of eligibility under this part, the boundaries of each metropolitan area are

the boundaries that were in effect for the area for fiscal year 1994.

“(d) CONTINUED STATUS AS ELIGIBLE AREA.—Notwithstanding any other provision of this section, a metropolitan area that was an eligible area under this part for fiscal year 1996 is an eligible area for fiscal year 1997 and each subsequent fiscal year.”.

(3) CONFORMING AMENDMENT REGARDING DEFINITION OF ELIGIBLE AREA.—Section 2607(1) (42 U.S.C. 300ff-17(1)) is amended by striking “The term” and all that follows and inserting the following: “The term ‘eligible area’ means a metropolitan area meeting the requirements of section 2601 that are applicable to the area.”.

(b) EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES.—

(1) HIV HEALTH SERVICES PLANNING COUNCIL.—Subsection

(b) of section 2602 (42 U.S.C. 300ff-12(b)) is amended—

(A) in paragraph (1)—

(i) by striking “include” and all that follows through the end thereof, and inserting “reflect in its composition the demographics of the epidemic in the eligible area involved, with particular consideration given to disproportionately affected and historically underserved groups and subpopulations.”; and

(ii) by adding at the end thereof the following new sentences: “Nominations for membership on the council shall be identified through an open process and candidates shall be selected based on locally delineated and publicized criteria. Such criteria shall include a conflict-of-interest standard that is in accordance with paragraph (5).”;

(B) in paragraph (2), by adding at the end thereof the following new subparagraph:

“(C) CHAIRPERSON.—A planning council may not be chaired solely by an employee of the grantee.”;

(C) in paragraph (3)—

(i) in subparagraph (A), by striking “area,” and inserting “area, including how best to meet each such priority and additional factors that a grantee should consider in allocating funds under a grant based on the—

“(i) documented needs of the HIV-infected population;

“(ii) cost and outcome effectiveness of proposed strategies and interventions, to the extent that such data are reasonably available (either demonstrated or probable);

“(iii) priorities of the HIV-infected communities for whom the services are intended; and

“(iv) availability of other governmental and non-governmental resources.”;

(ii) by striking “and” at the end of subparagraph (B);

(iii) by striking the period at the end of subparagraph (C) and inserting “, and at the discretion of the planning council, assess the effectiveness, either directly or through contractual arrangements, of the services offered in meeting the identified needs.”; and

(iv) by adding at the end thereof the following new subparagraphs:

“(D) participate in the development of the statewide coordinated statement of need initiated by the State public health agency responsible for administering grants under part B; and

“(E) establish methods for obtaining input on community needs and priorities which may include public meetings, conducting focus groups, and convening ad-hoc panels.”;

(D) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(E) by inserting after paragraph (1), the following new paragraph:

“(2) REPRESENTATION.—The HIV health services planning council shall include representatives of—

“(A) health care providers, including federally qualified health centers;

“(B) community-based organizations serving affected populations and AIDS service organizations;

“(C) social service providers;

“(D) mental health and substance abuse providers;

“(E) local public health agencies;

“(F) hospital planning agencies or health care planning agencies;

“(G) affected communities, including people with HIV disease or AIDS and historically underserved groups and subpopulations;

“(H) nonelected community leaders;

“(I) State government (including the State medicaid agency and the agency administering the program under part B);

“(J) grantees under subpart II of part C;

“(K) grantees under section 2671, or, if none are operating in the area, representatives of organizations with a history of serving children, youth, women, and families living with HIV and operating in the area; and

“(L) grantees under other Federal HIV programs.”; and

(F) by adding at the end thereof the following:

“(5) CONFLICTS OF INTEREST.—

“(A) IN GENERAL.—The planning council under paragraph (1) may not be directly involved in the administration of a grant under section 2601(a). With respect to compliance with the preceding sentence, the planning council may not designate (or otherwise be involved in the selection of) particular entities as recipients of any of the amounts provided in the grant.

“(B) REQUIRED AGREEMENTS.—An individual may serve on the planning council under paragraph (1) only if the individual agrees that if the individual has a financial interest in an entity, if the individual is an employee of a public or private entity, or if the individual is a member of a public or private organization, and such entity or organization is seeking amounts from a grant under section 2601(a), the individual will not, with respect to the purpose for which the entity seeks such amounts, participate

(directly or in an advisory capacity) in the process of selecting entities to receive such amounts for such purpose.

“(6) GRIEVANCE PROCEDURES.—A planning council under paragraph (1) shall develop procedures for addressing grievances with respect to funding under this part, including procedures for submitting grievances that cannot be resolved to binding arbitration. Such procedures shall be described in the by-laws of the planning council and be consistent with the requirements of subsection (c).

“(c) GRIEVANCE PROCEDURES.—

“(1) FEDERAL RESPONSIBILITY.—

“(A) MODELS.—The Secretary shall, through a process that includes consultations with grantees under this part and public and private experts in grievance procedures, arbitration, and mediation, develop model grievance procedures that may be implemented by the planning council under subsection (b)(1) and grantees under this part. Such model procedures shall describe the elements that must be addressed in establishing local grievance procedures and provide grantees with flexibility in the design of such local procedures.

“(B) REVIEW.—The Secretary shall review grievance procedures established by the planning council and grantees under this part to determine if such procedures are adequate. In making such a determination, the Secretary shall assess whether such procedures permit legitimate grievances to be filed, evaluated, and resolved at the local level.

“(2) GRANTEEES.—To be eligible to receive funds under this part, a grantee shall develop grievance procedures that are determined by the Secretary to be consistent with the model procedures developed under paragraph (1)(A). Such procedures shall include a process for submitting grievances to binding arbitration.”.

(2) DISTRIBUTION OF GRANTS.—Section 2603 (42 U.S.C. 300ff-13) is amended—

(A) in subsection (a)(2), by striking “Not later than—” and all that follows through “the Secretary shall” and inserting the following: “Not later than 60 days after an appropriation becomes available to carry out this part for each of the fiscal years 1996 through 2000, the Secretary shall”; and

(B) in subsection (b)

(i) in paragraph (1)—

(I) by striking “and” at the end of subparagraph (D);

(II) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(III) by adding at the end thereof the following new subparagraphs:

“(F) demonstrates the inclusiveness of the planning council membership, with particular emphasis on affected communities and individuals with HIV disease; and

“(G) demonstrates the manner in which the proposed services are consistent with the local needs assessment and the statewide coordinated statement of need.”; and

(ii) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(iii) by inserting after paragraph (1), the following new paragraph:

“(2) DEFINITION.—

“(A) SEVERE NEED.—In determining severe need in accordance with paragraph (1)(B), the Secretary shall consider the ability of the qualified applicant to expend funds efficiently and the impact of relevant factors on the cost and complexity of delivering health care and support services to individuals with HIV disease in the eligible area, including factors such as—

“(i) sexually transmitted diseases, substance abuse, tuberculosis, severe mental illness, or other comorbid factors determined relevant by the Secretary;

“(ii) new or growing subpopulations of individuals with HIV disease; and

“(iii) homelessness.

“(B) PREVALENCE.—In determining the impact of the factors described in subparagraph (A), the Secretary shall, to the extent practicable, use national, quantitative incidence data that are available for each eligible area. Not later than 2 years after the date of enactment of this paragraph, the Secretary shall develop a mechanism to utilize such data. In the absence of such data, the Secretary may consider a detailed description and qualitative analysis of severe need, as determined under subparagraph (A), including any local prevalence data gathered and analyzed by the eligible area.

“(C) PRIORITY.—Subsequent to the development of the quantitative mechanism described in subparagraph (B), the Secretary shall phase in, over a 3-year period beginning in fiscal year 1998, the use of such a mechanism to determine the severe need of an eligible area compared to other eligible areas and to determine, in part, the amount of supplemental funds awarded to the eligible area under this part.”.

(3) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—Section 2603(a)(2) (42 U.S.C. 300ff-13(a)(2)) (as amended by paragraph (2)) is further amended—

(i) by inserting “, in accordance with paragraph (3)” before the period; and

(ii) by adding at the end thereof the following new sentences: “The Secretary shall reserve an additional percentage of the amount appropriated under section 2677 for a fiscal year for grants under part A to make grants to eligible areas under section 2601(a) in accordance with paragraph (4).”.

(B) INCREASE IN GRANT.—Section 2603(a) (42 U.S.C. 300ff-13(a)) is amended by adding at the end thereof the following new paragraph:

“(4) INCREASE IN GRANT.—With respect to an eligible area under section 2601(a), the Secretary shall increase the amount of a grant under paragraph (2) for a fiscal year to ensure that such eligible area receives not less than—

“(A) with respect to fiscal year 1996, 100 percent;

“(B) with respect to fiscal year 1997, 99 percent;

“(C) with respect to fiscal year 1998, 98 percent;

“(D) with respect to fiscal year 1999, 96.5 percent;

and

“(E) with respect to fiscal year 2000, 95 percent;

of the amount allocated for fiscal year 1995 to such entity under this subsection.”

(C) ADDITIONAL REQUIREMENTS FOR GRANTS.—Section 2603 (42 U.S.C. 300ff-13) is amended by adding at the end thereof the following subsection:

“(c) COMPLIANCE WITH PRIORITIES OF HIV PLANNING COUNCIL.—Notwithstanding any other provision of this part, the Secretary, in carrying out section 2601(a), may not make any grant under subsection (a) or (b) to an eligible area unless the application submitted by such area under section 2605 for the grant involved demonstrates that the grants made under subsections (a) and (b) to the area for the preceding fiscal year (if any) were expended in accordance with the priorities applicable to such year that were established, pursuant to section 2602(b)(3)(A), by the planning council serving the area.”

(4) USE OF AMOUNTS.—Section 2604 (42 U.S.C. 300ff-14) is amended—

(A) in subsection (b)(1)(A)—

(i) by inserting “, substance abuse treatment and mental health treatment,” after “case management”; and

(ii) by inserting “which shall include treatment education and prophylactic treatment for opportunistic infections,” after “treatment services,”;

(B) in subsection (b)(2)(A)—

(i) by inserting “, or private for-profit entities if such entities are the only available provider of quality HIV care in the area,” after “nonprofit private entities,”; and

(ii) by striking “and homeless health centers” and inserting “homeless health centers, substance abuse treatment programs, and mental health programs”;

(C) by adding at the end of subsection (b), the following new paragraph:

“(3) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—For the purpose of providing health and support services to infants, children, and women with HIV disease, including treatment measures to prevent the perinatal transmission of HIV, the chief elected official of an eligible area, in accordance with the established priorities of the planning council, shall use, from the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population in such area of infants, children, and women with acquired immune deficiency syndrome to the general population in such area of individuals with such syndrome.”; and

(C) in subsection (e)—

(i) in the subsection heading, by striking “AND PLANNING;

(ii) by striking “The chief” and inserting:

“(1) IN GENERAL.—The chief”;

(iii) by striking "accounting, reporting, and program oversight functions";

(iv) by adding at the end thereof the following new sentence: "In the case of entities and subcontractors to which such officer allocates amounts received by the officer under the grant, the officer shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses)."; and

(v) by adding at the end thereof the following new paragraphs:

"(2) ADMINISTRATIVE ACTIVITIES.—For the purposes of paragraph (1), amounts may be used for administrative activities that include—

"(A) routine grant administration and monitoring activities, including the development of applications for part A funds, the receipt and disbursement of program funds, the development and establishment of reimbursement and accounting systems, the preparation of routine programmatic and financial reports, and compliance with grant conditions and audit requirements; and

"(B) all activities associated with the grantee's contract award procedures, including the development of requests for proposals, contract proposal review activities, negotiation and awarding of contracts, monitoring of contracts through telephone consultation, written documentation or onsite visits, reporting on contracts, and funding reallocation activities.

"(3) SUBCONTRACTOR ADMINISTRATIVE COSTS.—For the purposes of this subsection, subcontractor administrative activities include—

"(A) usual and recognized overhead, including established indirect rates for agencies;

"(B) management oversight of specific programs funded under this title; and

"(C) other types of program support such as quality assurance, quality control, and related activities."

(5) APPLICATION.—Section 2605 (42 U.S.C. 300ff-15) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting ", in accordance with subsection (c) regarding a single application and grant award," after "application";

(ii) in paragraph (1)(B), by striking "1-year period" and all that follows through "eligible area" and inserting "preceding fiscal year";

(iii) in paragraph (4), by striking "and" at the end thereof;

(iv) in paragraph (5), by striking the period at the end thereof and inserting "; and"; and

(v) by adding at the end thereof the following new paragraph:

"(6) that the applicant has participated, or will agree to participate, in the statewide coordinated statement of need

process where it has been initiated by the State public health agency responsible for administering grants under part B, and ensure that the services provided under the comprehensive plan are consistent with the statewide coordinated statement of need.”;

(B) in subsection (b)—

(i) in the subsection heading, by striking “ADDITIONAL”; and

(ii) in the matter preceding paragraph (1), by striking “additional application” and inserting “application, in accordance with subsection (c) regarding a single application and grant award,”; and

(C) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(D) by inserting after subsection (b), the following new subsection:

“(c) SINGLE APPLICATION AND GRANT AWARD.—

“(1) APPLICATION.—The Secretary may phase in the use of a single application that meets the requirements of subsections (a) and (b) of section 2603 with respect to an eligible area that desires to receive grants under section 2603 for a fiscal year.

“(2) GRANT AWARD.—The Secretary may phase in the awarding of a single grant to an eligible area that submits an approved application under paragraph (1) for a fiscal year.”.

(6) TECHNICAL ASSISTANCE.—Section 2606 (42 U.S.C. 300ff-16) is amended—

(A) by striking “may” and inserting “shall”;

(B) by inserting after “technical assistance” the following: “, including assistance from other grantees, contractors or subcontractors under this title to assist newly eligible metropolitan areas in the establishment of HIV health services planning councils and,”; and

(C) by adding at the end thereof the following new sentences: “The Administrator may make planning grants available to metropolitan areas, in an amount not to exceed \$75,000 for any metropolitan area, projected to be eligible for funding under section 2601 in the following fiscal year. Such grant amounts shall be deducted from the first year formula award to eligible areas accepting such grants. Not to exceed 1 percent of the amount appropriated for a fiscal year under section 2677 for grants under part A may be used to carry out this section.”.

(c) CARE GRANT PROGRAM.—

(1) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—Section 2611 (42 U.S.C. 300ff-21) is amended—

(A) by striking “The” and inserting “(a) IN GENERAL.—The”, and

(B) by adding at the end thereof the following new subsection:

“(b) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—For the purpose of providing health and support services to infants, children, and women with HIV disease, including treatment measures to prevent the perinatal transmission of HIV, a State shall use, of the funds allocated under this part to the State for a fiscal year, not less than the percentage constituted by the ratio of the population in the State of infants, children, and women with

acquired immune deficiency syndrome to the general population in the State of individuals with such syndrome.”.

(2) USE OF GRANTS.—Section 2612 (42 U.S.C. 300ff-22) is amended—

(A) in subsection (a)—

(i) by striking the subsection designation and heading;

(ii) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(iii) by inserting the following new paragraph:

“(1) to provide the services described in section 2604(b)(1) for individuals with HIV disease;”;

(iv) in paragraph (5) (as so redesignated), by striking “treatments” and all that follows through “health,” and inserting “therapeutics to treat HIV disease”; and

(v) by adding at the end thereof the following flush sentences:

“Services described in paragraph (1) shall be delivered through consortia designed as described in paragraph (2), where such consortia exist, unless the State demonstrates to the Secretary that delivery of such services would be more effective when other delivery mechanisms are used. In making a determination regarding the delivery of services, the State shall consult with appropriate representatives of service providers and recipients of services who would be affected by such determination, and shall include in its demonstration to the Secretary the findings of the State regarding such consultation.”; and

(B) by striking subsection (b).

(2) HIV CARE CONSORTIA.—Section 2613 (42 U.S.C. 300ff-23) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting “(or private for-profit providers or organizations if such entities are the only available providers of quality HIV care in the area)” after “nonprofit private,”; and

(ii) in paragraph (2)(A)—

(I) by inserting “substance abuse treatment, mental health treatment,” after “nursing,”; and

(II) by inserting “prophylactic treatment for opportunistic infections, treatment education to take place in the context of health care delivery,” after “monitoring,”; and

(B) in subsection (c)—

(i) in subparagraph (C) of paragraph (1), by inserting before “care” “and youth centered”; and

(ii) in paragraph (2)—

(I) in clause (ii) of subparagraph (A), by striking “served; and” and inserting “served,”;

(II) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(III) by adding after subparagraph (B), the following new subparagraph:

“(C) grantees under section 2671, or, if none are operating in the area, representatives in the area of organizations with a history of serving children, youth, women, and families living with HIV.”.

(3) PROVISION OF TREATMENTS.—Section 2616 (42 U.S.C. 300ff-26) is amended—

(A) in subsection (a)—

(i) by striking “may use amounts” and inserting “shall use a portion of the amounts”;

(ii) by striking “section 2612(a)(4)” and all that follows through “prolong life” and inserting “section 2612(a)(5) to provide therapeutics to treat HIV disease”; and

(iii) by inserting before the period the following: “, including measures for the prevention and treatment of opportunistic infections”;

(B) in subsection (c)—

(i) in paragraph (3), by striking “and” at the end thereof;

(ii) in paragraph (4), by striking the period and inserting “; and”; and

(iii) by adding at the end thereof the following new paragraph:

“(5) document the progress made in making therapeutics described in subsection (a) available to individuals eligible for assistance under this section.”; and

(C) by adding at the end thereof the following new subsection:

“(d) DUTIES OF THE SECRETARY.—In carrying out this section, the Secretary shall review the current status of State drug reimbursement programs established under section 2612(2) and assess barriers to the expanded availability of the treatments described in subsection (a). The Secretary shall also examine the extent to which States coordinate with other grantees under this title to reduce barriers to the expanded availability of the treatments described in subsection (a).”

(4) STATE APPLICATION.—Section 2617(b) (42 U.S.C. 300ff-27(b)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “and” at the end thereof; and

(ii) by adding at the end thereof the following new subparagraph:

“(C) a description of how the allocation and utilization of resources are consistent with the statewide coordinated statement of need (including traditionally underserved populations and subpopulations) developed in partnership with other grantees in the State that receive funding under this title; and”;

(B) by redesignating paragraph (3) as paragraph (4);

(C) by inserting after paragraph (2), the following new paragraph:

“(3) an assurance that the public health agency administering the grant for the State will periodically convene a meeting of individuals with HIV, representatives of grantees under each part under this title, providers, and public agency representatives for the purpose of developing a statewide coordinated statement of need; and”.

(5) PLANNING, EVALUATION AND ADMINISTRATION.—Section 2618(c) (42 U.S.C. 300ff-28(c)) is amended—

(A) by striking paragraph (1);

(B) in paragraphs (3) and (4), to read as follows:

“(3) **PLANNING AND EVALUATIONS.**—Subject to paragraph (5) and except as provided in paragraph (6), a State may not use more than 10 percent of amounts received under a grant awarded under this part for planning and evaluation activities.

“(4) **ADMINISTRATION.**—

“(A) **IN GENERAL.**—Subject to paragraph (5) and except as provided in paragraph (6), a State may not use more than 10 percent of amounts received under a grant awarded under this part for administration. In the case of entities and subcontractors to which the State allocates amounts received by the State under the grant (including consortia under section 2613), the State shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses).

“(B) **ADMINISTRATIVE ACTIVITIES.**—For the purposes of subparagraph (A), amounts may be used for administrative activities that include routine grant administration and monitoring activities.

“(C) **SUBCONTRACTOR ADMINISTRATIVE COSTS.**—For the purposes of this paragraph, subcontractor administrative activities include—

“(i) usual and recognized overhead, including established indirect rates for agencies;

“(ii) management oversight of specific programs funded under this title; and

“(iii) other types of program support such as quality assurance, quality control, and related activities.”;

(C) by redesignating paragraph (5) as paragraph (7);

and

(D) by inserting after paragraph (4), the following new paragraphs:

“(5) **LIMITATION ON USE OF FUNDS.**—Except as provided in paragraph (6), a State may not use more than a total of 15 percent of amounts received under a grant awarded under this part for the purposes described in paragraphs (3) and (4).

“(6) **EXCEPTION.**—With respect to a State that receives the minimum allotment under subsection (a)(1) for a fiscal year, such State, from the amounts received under a grant awarded under this part for such fiscal year for the activities described in paragraphs (3) and (4), may, notwithstanding paragraphs (3), (4), and (5), use not more than that amount required to support one full-time-equivalent employee.”.

(6) **TECHNICAL ASSISTANCE.**—Section 2619 (42 U.S.C. 300ff-29) is amended—

(A) by striking “may” and inserting “shall”; and

(B) by inserting before the period the following: “, including technical assistance for the development and implementation of statewide coordinated statements of need”.

(7) **COORDINATION.**—Part B of title XXVI (42 U.S.C. 300ff-21 et seq.) is amended by adding at the end thereof the following new section:

**“SEC. 2621. COORDINATION.**

42 USC 300ff-31.

“The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Substance Abuse and Mental Health Services Administration coordinate the planning and implementation of Federal HIV programs in order to facilitate the local development of a complete continuum of HIV-related services for individuals with HIV disease and those at risk of such disease. Not later than October 1, 1996, and biennially thereafter, the Secretary shall submit to the appropriate committees of the Congress a report concerning coordination efforts under this title at the Federal, State, and local levels, including a statement of whether and to what extent there exist Federal barriers to integrating HIV-related programs.”

Reports.

**(d) EARLY INTERVENTION SERVICES.—**

**(1) ESTABLISHMENT OF PROGRAM.—**Section 2651(b) (42 U.S.C. 300ff-51(b)) is amended—

(A) in paragraph (1), by inserting before the period the following: “, and unless the applicant agrees to expend not less than 50 percent of the grant for such services that are specified in subparagraphs (B) through (E) of such paragraph for individuals with HIV disease”; and

(B) in paragraph (4)—

(i) by striking “The Secretary” and inserting “(A) IN GENERAL.—The Secretary”;

(ii) by inserting “, or private for-profit entities if such entities are the only available provider of quality HIV care in the area,” after “nonprofit private entities”;

(iii) by realigning the margin of subparagraph (A) so as to align with the margin of paragraph (3)(A); and

(iv) by adding at the end thereof the following new subparagraph:

“(B) OTHER REQUIREMENTS.—Grantees described in—

“(i) paragraphs (1), (2), (5), and (6) of section 2652(a) shall use not less than 50 percent of the amount of such a grant to provide the services described in subparagraphs (A), (B), (D), and (E) of section 2651(b)(2) directly and on-site or at sites where other primary care services are rendered; and

“(ii) paragraphs (3) and (4) of section 2652(a) shall ensure the availability of early intervention services through a system of linkages to community-based primary care providers, and to establish mechanisms for the referrals described in section 2651(b)(2)(C), and for follow-up concerning such referrals.”

**(2) MINIMUM QUALIFICATIONS.—**Section 2652(b)(1)(B) (42 U.S.C. 300ff-52(b)(1)(B)) is amended by inserting “, or a private for-profit entity if such entity is the only available provider of quality HIV care in the area,” after “nonprofit private entity”.

**(3) MISCELLANEOUS PROVISIONS.—**Section 2654 (42 U.S.C. 300ff-54) is amended by adding at the end thereof the following new subsection:

**“(c) PLANNING AND DEVELOPMENT GRANTS.—**

“(1) IN GENERAL.—The Secretary may provide planning grants, in an amount not to exceed \$50,000 for each such grant, to public and nonprofit private entities for the purpose

of enabling such entities to provide HIV early intervention services.

“(2) REQUIREMENT.—The Secretary may only award a grant to an entity under paragraph (1) if the Secretary determines that the entity will use such grant to assist the entity in qualifying for a grant under section 2651.

“(3) PREFERENCE.—In awarding grants under paragraph (1), the Secretary shall give preference to entities that provide primary care services in rural or underserved communities.

“(4) LIMITATION.—Not to exceed 1 percent of the amount appropriated for a fiscal year under section 2655 may be used to carry out this section.”

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 2655 (42 U.S.C. 300ff-55) is amended by striking “\$75,000,000” and all that follows through the end of the section, and inserting “such sums as may be necessary in each of the fiscal years 1996, 1997, 1998, 1999, and 2000.”

(5) REQUIRED AGREEMENTS.—Section 2664(g) (42 U.S.C. 300ff-64(g)) is amended—

(A) in paragraph (2), by striking “and” at the end thereof;

(B) in paragraph (3)—

(i) by striking “5 percent” and inserting “7.5 percent including planning and evaluation”; and

(ii) by striking the period and inserting “; and”;

and

(C) by adding at the end thereof the following new paragraph:

“(4) the applicant will submit evidence that the proposed program is consistent with the statewide coordinated statement of need and agree to participate in the ongoing revision of such statement of need.”

(e) DEMONSTRATION GRANTS FOR RESEARCH AND SERVICES FOR PEDIATRIC PATIENTS.—Section 2671 (42 U.S.C. 300f-71) is amended to read as follows:

**“SEC. 2671. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.**

“(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with the Director of the National Institutes of Health, shall make grants to public and nonprofit private entities that provide primary care (directly or through contracts) for the following purposes:

“(1) Providing through such entities, in accordance with this section, opportunities for women, infants, children, and youth to be voluntary participants in research of potential clinical benefit to individuals with HIV disease.

“(2) In the case of women, infants, children, and youth with HIV disease, and the families of such individuals, providing to such individuals—

“(A) health care on an outpatient basis; and

“(B) additional services in accordance with subsection

(d).

“(b) PROVISIONS REGARDING PARTICIPATION IN RESEARCH.—

“(1) IN GENERAL.—With respect to the projects of research with which an applicant under subsection (a) is concerned, the Secretary may make a grant under such subsection to the applicant only if the following conditions are met:

“(A) The applicant agrees to make reasonable efforts—

“(i) to identify which of the patients of the applicant are women, infants, children, and youth who would be appropriate participants in the projects;

“(ii) to carry out clause (i) through the use of criteria provided for such purpose by the entities that will be conducting the projects of research; and

“(iii) to offer women, infants, children, and youth the opportunity to participate in the projects (as appropriate), including the provision of services under subsection (d)(3).

“(B) The applicant agrees that, in the case of the research-related functions to be carried out by the applicant pursuant to subsection (a)(1), the applicant will comply with accepted standards that are applicable to such functions (including accepted standards regarding informed consent and other protections for human subjects).

“(C) For the first and second fiscal years for which grants under subsection (a) are to be made to the applicant, the applicant agrees that, not later than the end of the second fiscal year of receiving such a grant, a significant number of women, infants, children, and youth who are patients of the applicant will be participating in the projects of research.

“(D) Except as provided in paragraph (3) (and paragraph (4), as applicable), for the third and subsequent fiscal years for which such grants are to be made to the applicant, the Secretary has determined that a significant number of such individuals are participating in the projects.

“(2) PROHIBITION.—Receipt of services by a patient shall not be conditioned upon the consent of the patient to participate in research.

“(3) SIGNIFICANT PARTICIPATION; CONSIDERATION BY SECRETARY OF CERTAIN CIRCUMSTANCES.—In administering the requirement of paragraph (1)(D), the Secretary shall take into account circumstances in which a grantee under subsection (a) is temporarily unable to comply with the requirement for reasons beyond the control of the grantee, and shall in such circumstances provide to the grantee a reasonable period of opportunity in which to reestablish compliance with the requirement.

“(4) SIGNIFICANT PARTICIPATION; TEMPORARY WAIVER FOR ORIGINAL GRANTEES.—

“(A) IN GENERAL.—In the case of an applicant under subsection (a) who received a grant under such subsection for fiscal year 1995, the Secretary may, subject to subparagraph (B), provide to the applicant a waiver of the requirement of paragraph (1)(D) if the Secretary determines that the applicant is making reasonable progress toward meeting the requirement.

“(B) TERMINATION OF AUTHORITY FOR WAIVERS.—The Secretary may not provide any waiver under subparagraph (A) on or after October 1, 1998. Any such waiver provided

prior to such date terminates on such date, or on such earlier date as the Secretary may specify.

“(c) PROVISIONS REGARDING CONDUCT OF RESEARCH.—

“(1) IN GENERAL.—With respect to eligibility for a grant under subsection (a):

“(A) A project of research for which subjects are sought pursuant to such subsection may be conducted by the applicant for the grant, or by an entity with which the applicant has made arrangements for purposes of the grant. The grant may not be expended for the conduct of any project of research, except for such research-related functions as are appropriate for providing opportunities under subsection (a)(1) (including the functions specified in subsection (b)(1)).

“(B) The grant may be made only if the Secretary makes the following determinations:

“(i) The applicant or other entity (as the case may be under subparagraph (A)) is appropriately qualified to conduct the project of research. An entity shall be considered to be so qualified if any research protocol of the entity has been recommended for funding under this Act pursuant to technical and scientific peer review through the National Institutes of Health.

“(ii) The project of research is being conducted in accordance with a research protocol to which the Secretary gives priority regarding the prevention or treatment of HIV disease in women, infants, children, or youth, subject to paragraph (2).

“(2) LIST OF RESEARCH PROTOCOLS.—

“(A) IN GENERAL.—From among the research protocols described in paragraph (1)(B)(ii), the Secretary shall establish a list of research protocols that are appropriate for purposes of subsection (a)(1). Such list shall be established only after consultation with public and private entities that conduct such research, and with providers of services under subsection (a) and recipients of such services.

“(B) DISCRETION OF SECRETARY.—The Secretary may authorize the use, for purposes of subsection (a)(1), of a research protocol that is not included on the list under subparagraph (A). The Secretary may waive the requirement specified in paragraph (1)(B)(ii) in such circumstances as the Secretary determines to be appropriate.

“(d) ADDITIONAL SERVICES FOR PATIENTS AND FAMILIES.—A grant under subsection (a) may be made only if the applicant for the grant agrees as follows:

“(1) The applicant will provide for the case management of the patient involved and the family of the patient.

“(2) The applicant will provide for the patient and the family of the patient—

“(A) referrals for inpatient hospital services, treatment for substance abuse, and mental health services; and

“(B) referrals for other social and support services, as appropriate.

“(3) The applicant will provide the patient and the family of the patient with such transportation, child care, and other incidental services as may be necessary to enable the patient

and the family to participate in the program established by the applicant pursuant to such subsection.

“(e) COORDINATION WITH OTHER ENTITIES.—A grant under subsection (a) may be made only if the applicant for the grant agrees as follows:

“(1) The applicant will coordinate activities under the grant with other providers of health care services under this Act, and under title V of the Social Security Act.

“(2) The applicant will participate in the statewide coordinated statement of need under part B (where it has been initiated by the public health agency responsible for administering grants under part B) and in revisions of such statement.

“(f) APPLICATION.—A grant under subsection (a) may be made only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

“(g) COORDINATION WITH NATIONAL INSTITUTES OF HEALTH.—The Secretary shall develop and implement a plan that provides for the coordination of the activities of the National Institutes of Health with the activities carried out under this section. In carrying out the preceding sentence, the Secretary shall ensure that projects of research conducted or supported by such Institutes are made aware of applicants and grantees under subsection (a), shall require that the projects, as appropriate, enter into arrangements for purposes of such subsection, and shall require that each project entering into such an arrangement inform the applicant or grantee under such subsection of the needs of the project for the participation of women, infants, children, and youth.

“(h) ANNUAL REVIEW OF PROGRAMS; EVALUATIONS.—

“(1) REVIEW REGARDING ACCESS TO AND PARTICIPATION IN PROGRAMS.—With respect to a grant under subsection (a) for an entity for a fiscal year, the Secretary shall, not later than 180 days after the end of the fiscal year, provide for the conduct and completion of a review of the operation during the year of the program carried out under such subsection by the entity. The purpose of such review shall be the development of recommendations, as appropriate, for improvements in the following:

“(A) Procedures used by the entity to allocate opportunities and services under subsection (a) among patients of the entity who are women, infants, children, or youth.

“(B) Other procedures or policies of the entity regarding the participation of such individuals in such program.

“(2) EVALUATIONS.—The Secretary shall, directly or through contracts with public and private entities, provide for evaluations of programs carried out pursuant to subsection (a).

“(i) TRAINING AND TECHNICAL ASSISTANCE.—Of the amounts appropriated under subsection (j) for a fiscal year, the Secretary may use not more than five percent to provide, directly or through contracts with public and private entities (which may include grantees under subsection (a)), training and technical assistance to assist applicants and grantees under subsection (a) in complying with the requirements of this section.

“(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated

such sums as may be necessary for each of the fiscal years 1996 through 2000.”.

(f) EVALUATIONS AND REPORTS.—Section 2674 (42 U.S.C. 300ff-74) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “not later than 1 year” and all that follows through “title,” and inserting the following: “not later than October 1, 1996,”;

(B) by striking paragraphs (1) through (3) and inserting the following paragraph:

“(1) evaluating the programs carried out under this title; and”; and

(C) by redesignating paragraph (4) as paragraph (2); and

(2) by adding at the end the following subsection:

“(d) ALLOCATION OF FUNDS.—The Secretary shall carry out this section with amounts available under section 241. Such amounts are in addition to any other amounts that are available to the Secretary for such purpose.”.

(g) DEMONSTRATION AND TRAINING.—

(1) IN GENERAL.—Title XXVI is amended by adding at the end, the following new part:

## **“PART F—DEMONSTRATION AND TRAINING**

### **“Subpart I—Special Projects of National Significance**

42 USC 300ff-101.

#### **“SEC. 2691. SPECIAL PROJECTS OF NATIONAL SIGNIFICANCE.**

“(a) IN GENERAL.—Of the amount appropriated under each of parts A, B, C, and D of this title for each fiscal year, the Secretary shall use the greater of \$20,000,000 or 3 percent of such amount appropriated under each such part, but not to exceed \$25,000,000, to administer a special projects of national significance program to award direct grants to public and nonprofit private entities including community-based organizations to fund special programs for the care and treatment of individuals with HIV disease.

“(b) GRANTS.—The Secretary shall award grants under subsection (a) based on—

“(1) the need to assess the effectiveness of a particular model for the care and treatment of individuals with HIV disease;

“(2) the innovative nature of the proposed activity; and

“(3) the potential replicability of the proposed activity in other similar localities or nationally.

“(c) SPECIAL PROJECTS.—Special projects of national significance shall include the development and assessment of innovative service delivery models that are designed to—

“(1) address the needs of special populations;

“(2) assist in the development of essential community-based service delivery infrastructure; and

“(3) ensure the ongoing availability of services for Native American communities to enable such communities to care for Native Americans with HIV disease.

“(d) SPECIAL POPULATIONS.—Special projects of national significance may include the delivery of HIV health care and support services to traditionally underserved populations including—

- “(1) individuals and families with HIV disease living in rural communities;
- “(2) adolescents with HIV disease;
- “(3) Indian individuals and families with HIV disease;
- “(4) homeless individuals and families with HIV disease;
- “(5) hemophiliacs with HIV disease; and
- “(6) incarcerated individuals with HIV disease.

“(e) SERVICE DEVELOPMENT GRANTS.—Special projects of national significance may include the development of model approaches to delivering HIV care and support services including—

- “(1) programs that support family-based care networks and programs that build organizational capacity critical to the delivery of care in minority communities;
- “(2) programs designed to prepare AIDS service organizations and grantees under this title for operation within the changing health care environment; and
- “(3) programs designed to integrate the delivery of mental health and substance abuse treatment with HIV services.

“(f) COORDINATION.—The Secretary may not make a grant under this section unless the applicant submits evidence that the proposed program is consistent with the statewide coordinated statement of need, and the applicant agrees to participate in the ongoing revision process of such statement of need.

“(g) REPLICATION.—The Secretary shall make information concerning successful models developed under this part available to grantees under this title for the purpose of coordination, replication, and integration. To facilitate efforts under this subsection, the Secretary may provide for peer-based technical assistance from grantees funded under this part.”.

(2) REPEAL.—Subsection (a) of section 2618 (42 U.S.C. 300ff-28(a)) is repealed.

(h) HIV/AIDS COMMUNITIES, SCHOOLS, CENTERS.—

(1) NEW PART.—Part F of title XXVI (as added by subsection (e)) is further amended by adding at the end, the following new subpart:

### “Subpart II—AIDS Education and Training Centers

“SEC. 2692. HIV/AIDS COMMUNITIES, SCHOOLS, AND CENTERS.”.

42 USC 300ff-111.

(2) AMENDMENTS.—Section 776 (42 U.S.C. 294n) is amended—

- (A) by striking the section heading; and
- (B) in subsection (a)(1)—
  - (i) by striking subparagraphs (B) and (C);
  - (ii) by redesignating subparagraphs (A) and (D) as subparagraphs (B) and (C), respectively;
  - (iii) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

“(A) training health personnel, including practitioners in title XXVI programs and other community providers, in the diagnosis, treatment, and prevention of HIV infection and disease, including the prevention of the perinatal trans-

mission of the disease and including measures for the prevention and treatment of opportunistic infections;"; and

(iv) in subparagraph (B) (as so redesignated) by adding "and" after the semicolon.

42 USC 300ff-  
111.

(3) TRANSFER.—Section 776 (42 U.S.C. 294n) (as amended by paragraph (2)) is amended by transferring such section to section 2692 (as added by paragraph (1)).

42 USC 300ff-  
111.

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 2692 (as added by paragraph (1)) is amended by adding at the end thereof the following new subsection:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1996 through 2000."

#### SEC. 4. AMOUNT OF EMERGENCY RELIEF GRANTS.

Paragraph (3) of section 2603(a) (42 U.S.C. 300ff-13(a)(3)) is amended to read as follows:

"(3) AMOUNT OF GRANT.—

"(A) IN GENERAL.—Subject to the extent of amounts made available in appropriations Acts, a grant made for purposes of this paragraph to an eligible area shall be made in an amount equal to the product of—

"(i) an amount equal to the amount available for distribution under paragraph (2) for the fiscal year involved; and

"(ii) the percentage constituted by the ratio of the distribution factor for the eligible area to the sum of the respective distribution factors for all eligible areas.

"(B) DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii), the term 'distribution factor' means an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (C).

"(C) ESTIMATE OF LIVING CASES.—The amount determined in this subparagraph is an amount equal to the product of—

"(i) the number of cases of acquired immune deficiency syndrome in the eligible area during each year in the most recent 120-month period for which data are available with respect to all eligible areas, as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for each year during such period; and

"(ii) with respect to—

"(I) the first year during such period, .06;

"(II) the second year during such period, .06;

"(III) the third year during such period, .08;

"(IV) the fourth year during such period, .10;

"(V) the fifth year during such period, .16;

"(VI) the sixth year during such period, .16;

"(VII) the seventh year during such period,

.24;

"(VIII) the eighth year during such period,

.40;

“(IX) the ninth year during such period, .57;  
and

“(X) the tenth year during such period, .88.  
The yearly percentage described in subparagraph (ii) shall be updated biennially by the Secretary, after consultation with the Centers for Disease Control and Prevention. The first such update shall occur prior to the determination of grant awards under this part for fiscal year 1998.

“(D) UNEXPENDED FUNDS.—The Secretary may, in determining the amount of a grant for a fiscal year under this paragraph, adjust the grant amount to reflect the amount of unexpended and uncanceled grant funds remaining at the end of the fiscal year preceding the year for which the grant determination is to be made. The amount of any such unexpended funds shall be determined using the financial status report of the grantee.”.

#### SEC. 5. AMOUNT OF CARE GRANTS.

Paragraphs (1) and (2) of section 2618(b) (42 U.S.C. 300ff-28(b) (1) and (2)) are amended to read as follows:

“(1) MINIMUM ALLOTMENT.—Subject to the extent of amounts made available under section 2677, the amount of a grant to be made under this part for—

“(A) each of the several States and the District of Columbia for a fiscal year shall be the greater of—

“(i)(I) with respect to a State or District that has less than 90 living cases of acquired immune deficiency syndrome, as determined under paragraph (2)(D), \$100,000; or

“(II) with respect to a State or District that has 90 or more living cases of acquired immune deficiency syndrome, as determined under paragraph (2)(D), \$250,000;

“(ii) an amount determined under paragraph (2);  
and

“(B) each territory of the United States, as defined in paragraph (3), shall be an amount determined under paragraph (2).

“(2) DETERMINATION.—

“(A) FORMULA.—The amount referred to in paragraph (1)(A)(ii) for a State and paragraph (1)(B) for a territory of the United States shall be the product of—

“(i) an amount equal to the amount appropriated under section 2677 for the fiscal year involved for grants under part B, subject to subparagraph (H); and

“(ii) the percentage constituted by the sum of—

“(I) the product of .80 and the ratio of the State distribution factor for the State or territory (as determined under subsection (B)) to the sum of the respective State distribution factors for all States or territories; and

“(II) the product of .20 and the ratio of the non-EMA distribution factor for the State or territory (as determined under subparagraph (C)) to the sum of the respective distribution factors for all States or territories.

“(B) STATE DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii)(I), the term ‘State distribution factor’ means an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (D).

“(C) NON-EMA DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii)(II), the term ‘non-ema distribution factor’ means an amount equal to the sum of—

“(i) the estimated number of living cases of acquired immune deficiency syndrome in the State or territory involved, as determined under subparagraph (D); less

“(ii) the estimated number of living cases of acquired immune deficiency syndrome in such State or territory that are within an eligible area (as determined under part A).

“(D) ESTIMATE OF LIVING CASES.—The amount determined in this subparagraph is an amount equal to the product of—

“(i) the number of cases of acquired immune deficiency syndrome in the State or territory during each year in the most recent 120-month period for which data are available with respect to all States and territories, as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for each year during such period; and

“(ii) with respect to each of the first through the tenth year during such period, the amount referred to in section 2603(a)(3)(C)(ii).

“(E) PUERTO RICO, VIRGIN ISLANDS, GUAM.—For purposes of subparagraph (D), the cost index for Puerto Rico, the Virgin Islands, and Guam shall be 1.0.

“(F) UNEXPENDED FUNDS.—The Secretary may, in determining the amount of a grant for a fiscal year under this subsection, adjust the grant amount to reflect the amount of unexpended and uncanceled grant funds remaining at the end of the fiscal year preceding the year for which the grant determination is to be made. The amount of any such unexpended funds shall be determined using the financial status report of the grantee.

“(G) LIMITATION.—

“(i) IN GENERAL.—The Secretary shall ensure that the amount of a grant awarded to a State or territory for a fiscal year under this part is equal to not less than—

“(I) with respect to fiscal year 1996, 100 percent;

“(II) with respect to fiscal year 1997, 99 percent;

“(III) with respect to fiscal year 1998, 98 percent;

“(IV) with respect to fiscal year 1999, 96.5 percent; and

“(V) with respect to fiscal year 2000, 95 percent;

of the amount such State or territory received for fiscal year 1995 under this part. In administering this subparagraph, the Secretary shall, with respect to States that will receive grants in amounts that exceed the amounts that such States received under this part in fiscal year 1995, proportionally reduce such amounts to ensure compliance with this subparagraph. In making such reductions, the Secretary shall ensure that no such State receives less than that State received for fiscal year 1995.

“(ii) RATABLE REDUCTION.—If the amount appropriated under section 2677 and available for allocation under this part is less than the amount appropriated and available under this part for fiscal year 1995, the limitation contained in clause (i) shall be reduced by a percentage equal to the percentage of the reduction in such amounts appropriated and available.

“(H) APPROPRIATIONS FOR TREATMENT DRUG PROGRAM.—With respect to the fiscal year involved, if under section 2677 an appropriations Act provides an amount exclusively for carrying out section 2616, the portion of such amount allocated to a State shall be the product of—

“(i) 100 percent of such amount; and

“(ii) the percentage constituted by the ratio of the State distribution factor for the State (as determined under subparagraph (B)) to the sum of the State distribution factors for all States.”.

#### SEC. 6. CONSOLIDATION OF AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Part D of title XXVI (42 U.S.C. 300ff-71) is amended by adding at the end thereof the following new section:

##### “SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

42 USC 300ff-77.

“(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to make grants under parts A and B, such sums as may be necessary for each of the fiscal years 1996 through 2000.

“(b) DEVELOPMENT OF METHODOLOGY.—

“(1) IN GENERAL.—With respect to each of the fiscal years 1997 through 2000, the Secretary shall develop and implement a methodology for adjusting the percentages allocated to part A and part B to account for grants to new eligible areas under part A and other relevant factors. Not later than July 1, 1996, the Secretary shall prepare and submit to the appropriate committees of Congress a report regarding the findings with respect to the methodology developed under this paragraph.

Reports.

“(2) FAILURE TO IMPLEMENT.—If the Secretary determines that such a methodology under paragraph (1) cannot be developed, there are authorized to be appropriated—

“(A) such sums as may be necessary to carry out part A for each of the fiscal years 1997 through 2000; and

“(B) such sums as may be necessary to carry out part B for each of the fiscal years 1997 through 2000.”.

(b) REPEALS.—Sections 2608 and 2620 (42 U.S.C. 300ff-18 and 300ff-30) are repealed.

(c) CONFORMING AMENDMENTS.—Title XXVI is amended—

(1) in section 2603 (42 U.S.C. 300ff-13)—

(A) in subsection (a)(2), by striking “2608” and inserting “2677”; and

(B) in subsection (b)(1), by striking “2608” and inserting “2677”;

(2) in section 2605(c)(1) (42 U.S.C. 300ff-15(c)(1)) is amended by striking “2608” and inserting “2677”; and

(3) in section 2618 (42 U.S.C. 300ff-28)—

(A) in subsection (a)(1), is amended by striking “2620” and inserting “2677”; and

(B) in subsection (b)(1), is amended by striking “2620” and inserting “2677”.

#### SEC. 7. PERINATAL TRANSMISSION OF HIV DISEASE.

42 USC 300ff-33  
note.

(a) FINDINGS.—The Congress finds as follows:

(1) Research studies and statewide clinical experiences have demonstrated that administration of anti-retroviral medication during pregnancy can significantly reduce the transmission of the human immunodeficiency virus (commonly known as HIV) from an infected mother to her baby.

(2) The Centers for Disease Control and Prevention have recommended that all pregnant women receive HIV counseling; voluntary, confidential HIV testing; and appropriate medical treatment (including anti-retroviral therapy) and support services.

(3) The provision of such testing without access to such counseling, treatment, and services will not improve the health of the woman or the child.

(4) The provision of such counseling, testing, treatment, and services can reduce the number of pediatric cases of acquired immune deficiency syndrome, can improve access to and provision of medical care for the woman, and can provide opportunities for counseling to reduce transmission among adults, and from mother to child.

(5) The provision of such counseling, testing, treatment, and services can reduce the overall cost of pediatric cases of acquired immune deficiency syndrome.

(6) The cancellation or limitation of health insurance or other health coverage on the basis of HIV status should be impermissible under applicable law. Such cancellation or limitation could result in disincentives for appropriate counseling, testing, treatment, and services.

(7) For the reasons specified in paragraphs (1) through (6)—

(A) routine HIV counseling and voluntary testing of pregnant women should become the standard of care; and

(B) the relevant medical organizations as well as public health officials should issue guidelines making such counseling and testing the standard of care.

(b) ADDITIONAL REQUIREMENTS FOR GRANTS.—Part B of title XXVI (42 U.S.C. 300ff-21 et seq.) is amended—

(1) by inserting after the part heading the following:

#### “Subpart I—General Grant Provisions”;

42 USC 300ff-21.

(2) in section 2611(a), by adding at the end the following sentence: “The authority of the Secretary to provide grants under part B is subject to section 2626(e)(2) (relating to the decrease in perinatal transmission of HIV disease).”; and

(3) by adding at the end thereof the following new subpart:

**“Subpart II—Provisions Concerning Pregnancy  
and Perinatal Transmission of HIV**

**“SEC. 2625. CDC GUIDELINES FOR PREGNANT WOMEN.**

42 USC 300ff-33.

Certification.

“(a) REQUIREMENT.—Notwithstanding any other provision of law, a State shall, not later than 120 days after the date of enactment of this subpart, certify to the Secretary that such State has in effect regulations or measures to adopt the guidelines issued by the Centers for Disease Control and Prevention concerning recommendations for human immunodeficiency virus counseling and voluntary testing for pregnant women.

“(b) NONCOMPLIANCE.—If a State does not provide the certification required under subsection (a) within the 120-day period described in such subsection, such State shall not be eligible to receive assistance for HIV counseling and testing under this section until such certification is provided.

**“(c) ADDITIONAL FUNDS REGARDING WOMEN AND INFANTS.—**

“(1) IN GENERAL.—If a State provides the certification required in subsection (a) and is receiving funds under part B for a fiscal year, the Secretary may (from the amounts available pursuant to paragraph (2)) make a grant to the State for the fiscal year for the following purposes:

“(A) Making available to pregnant women appropriate counseling on HIV disease.

“(B) Making available outreach efforts to pregnant women at high risk of HIV who are not currently receiving prenatal care.

“(C) Making available to such women voluntary HIV testing for such disease.

“(D) Offsetting other State costs associated with the implementation of this section and subsections (a) and (b) of section 2626.

“(E) Offsetting State costs associated with the implementation of mandatory newborn testing in accordance with this title or at an earlier date than is required by this title.

“(2) FUNDING.—For purposes of carrying out this subsection, there are authorized to be appropriated \$10,000,000 for each of the fiscal years 1996 through 2000. Amounts made available under section 2677 for carrying out this part are not available for carrying out this section unless otherwise authorized.

“(3) PRIORITY.—In awarding grants under this subsection the Secretary shall give priority to States that have the greatest proportion of HIV seroprevalence among child bearing women using the most recent data available as determined by the Centers for Disease Control and Prevention.

**“SEC. 2626. PERINATAL TRANSMISSION OF HIV DISEASE; CONTINGENT REQUIREMENT REGARDING STATE GRANTS UNDER THIS PART.**

42 USC 300ff-34.

“(a) ANNUAL DETERMINATION OF REPORTED CASES.—A State shall annually determine the rate of reported cases of AIDS as a result of perinatal transmission among residents of the State.

“(b) CAUSES OF PERINATAL TRANSMISSION.—In determining the rate under subsection (a), a State shall also determine the possible causes of perinatal transmission. Such causes may include—

“(1) the inadequate provision within the State of prenatal counseling and testing in accordance with the guidelines issued by the Centers for Disease Control and Prevention;

“(2) the inadequate provision or utilization within the State of appropriate therapy or failure of such therapy to reduce perinatal transmission of HIV, including—

“(A) that therapy is not available, accessible or offered to mothers; or

“(B) that available therapy is offered but not accepted by mothers; or

“(3) other factors (which may include the lack of prenatal care) determined relevant by the State.

“(c) CDC REPORTING SYSTEM.—Not later than 4 months after the date of enactment of this subpart, the Director of the Centers for Disease Control and Prevention shall develop and implement a system to be used by States to comply with the requirements of subsections (a) and (b). The Director shall issue guidelines to ensure that the data collected is statistically valid.

“(d) DETERMINATION BY SECRETARY.—Not later than 180 days after the expiration of the 18-month period beginning on the date on which the system is implemented under subsection (c), the Secretary shall publish in the Federal Register a determination of whether it has become a routine practice in the provision of health care in the United States to carry out each of the activities described in paragraphs (1) through (5) of section 2627. In making the determination, the Secretary shall consult with the States and with other public or private entities that have knowledge or expertise relevant to the determination.

“(e) CONTINGENT APPLICABILITY.—

“(1) IN GENERAL.—If the determination published in the Federal Register under subsection (d) is that (for purposes of such subsection) the activities involved have become routine practices, paragraph (2) shall apply on and after the expiration of the 18-month period beginning on the date on which the determination is so published.

“(2) REQUIREMENT.—Subject to subsection (f), the Secretary shall not make a grant under part B to a State unless the State meets not less than one of the following requirements:

“(A) A 50 percent reduction (or a comparable measure for States with less than 10 cases) in the rate of new cases of AIDS (recognizing that AIDS is a suboptimal proxy for tracking HIV in infants and was selected because such data is universally available) as a result of perinatal transmission as compared to the rate of such cases reported in 1993 (a State may use HIV data if such data is available).

“(B) At least 95 percent of women in the State who have received at least two prenatal visits (consultations) prior to 34 weeks gestation with a health care provider or provider group have been tested for the human immunodeficiency virus.

“(C) The State has in effect, in statute or through regulations, the requirements specified in paragraphs (1) through (5) of section 2627.

Guidelines.

Federal Register,  
publication.

“(f) **LIMITATION REGARDING AVAILABILITY OF FUNDS.**—With respect to an activity described in any of paragraphs (1) through (5) of section 2627, the requirements established by a State under this section apply for purposes of this section only to the extent that the following sources of funds are available for carrying out the activity:

“(1) Federal funds provided to the State in grants under part B or under section 2625, or through other Federal sources under which payments for routine HIV testing, counseling or treatment are an eligible use.

“(2) Funds that the State or private entities have elected to provide, including through entering into contracts under which health benefits are provided. This section does not require any entity to expend non-Federal funds.

**“SEC. 2627. TESTING OF PREGNANT WOMEN AND NEWBORN INFANTS.** 42 USC 300ff-35.

“An activity or requirement described in this section is any of the following:

“(1) In the case of newborn infants who are born in the State and whose biological mothers have not undergone prenatal testing for HIV disease, that each such infant undergo testing for such disease.

“(2) That the results of such testing of a newborn infant be promptly disclosed in accordance with the following, as applicable to the infant involved:

“(A) To the biological mother of the infant (without regard to whether she is the legal guardian of the infant).

“(B) If the State is the legal guardian of the infant:

“(i) To the appropriate official of the State agency with responsibility for the care of the infant.

“(ii) To the appropriate official of each authorized agency providing assistance in the placement of the infant.

“(iii) If the authorized agency is giving significant consideration to approving an individual as a foster parent of the infant, to the prospective foster parent.

“(iv) If the authorized agency is giving significant consideration to approving an individual as an adoptive parent of the infant, to the prospective adoptive parent.

“(C) If neither the biological mother nor the State is the legal guardian of the infant, to another legal guardian of the infant.

“(D) To the child’s health care provider.

“(3) That, in the case of prenatal testing for HIV disease that is conducted in the State, the results of such testing be promptly disclosed to the pregnant woman involved.

“(4) That, in disclosing the test results to an individual under paragraph (2) or (3), appropriate counseling on the human immunodeficiency virus be made available to the individual (except in the case of a disclosure to an official of a State or an authorized agency).

“(5) With respect to State insurance laws, that such laws require—

“(A) that, if health insurance is in effect for an individual, the insurer involved may not (without the consent of the individual) discontinue the insurance, or alter the terms of the insurance (except as provided in subparagraph

(C)), solely on the basis that the individual is infected with HIV disease or solely on the basis that the individual has been tested for the disease or its manifestation;

“(B) that subparagraph (A) does not apply to an individual who, in applying for the health insurance involved, knowingly misrepresented the HIV status of the individual; and

“(C) that subparagraph (A) does not apply to any reasonable alteration in the terms of health insurance for an individual with HIV disease that would have been made if the individual had a serious disease other than HIV disease.

For purposes of this subparagraph, a statute or regulation shall be deemed to regulate insurance for purposes of this paragraph only to the extent that such statute or regulation is treated as regulating insurance for purposes of section 514(b)(2) of the Employee Retirement Income Security Act of 1974.

42 USC 300ff-36. **“SEC. 2628. REPORT BY THE INSTITUTE OF MEDICINE.**

“(a) IN GENERAL.—The Secretary shall request that the Institute of Medicine of the National Academy of Sciences conduct an evaluation of the extent to which State efforts have been effective in reducing the perinatal transmission of the human immunodeficiency virus, and an analysis of the existing barriers to the further reduction in such transmission.

“(b) REPORT TO CONGRESS.—The Secretary shall ensure that, not later than 2 years after the date of enactment of this section, the evaluation and analysis described in subsection (a) is completed and a report summarizing the results of such evaluation and analysis is prepared by the Institute of Medicine and submitted to the appropriate committees of Congress together with the recommendations of the Institute.

42 USC 300ff-37. **“SEC. 2629. STATE HIV TESTING PROGRAMS ESTABLISHED PRIOR TO OR AFTER ENACTMENT.**

“Nothing in this subpart shall be construed to disqualify a State from receiving grants under this title if such State has established at any time prior to or after the date of enactment of this subpart a program of mandatory HIV testing.”

42 USC 300ff-27a.

**SEC. 8. SPOUSAL NOTIFICATION.**

(a) IN GENERAL.—The Secretary of Health and Human Services shall not make a grant under part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-21 et seq.) to any State unless such State takes administrative or legislative action to require that a good faith effort be made to notify a spouse of a known HIV-infected patient that such spouse may have been exposed to the human immunodeficiency virus and should seek testing.

(b) DEFINITIONS.—For purposes of this section:

(1) SPOUSE.—The term “spouse” means any individual who is the marriage partner of an HIV-infected patient, or who has been the marriage partner of that patient at any time within the 10-year period prior to the diagnosis of HIV infection.

(2) HIV-INFECTED PATIENT.—The term “HIV-infected patient” means any individual who has been diagnosed to be infected with the human immunodeficiency virus.

(3) STATE.—The term “State” means any of the 50 States, the District of Columbia, or any territory of the United States.

**SEC. 9. OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING PROGRAMS.** 5 USC 4103 note.

(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses to consent to such attendance or participation, except for training necessary to protect the health and safety of the Federal employee and the individuals served by such employees. An employer may not retaliate in any manner against such an employee because of the refusal of such employee to consent to such attendance or participation.

(b) DEFINITION.—As used in subsection (a), the term “Federal employee” has the same meaning given the term “employee” in section 2105 of title 5, United States Code, and such term shall include members of the armed forces.

**SEC. 10. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.**

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-71) as amended by section 6, is further amended by adding at the end thereof the following new section:

**“SEC. 2678. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.** 42 USC 300ff-78.

“None of the funds authorized under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.”.

**SEC. 11. LIMITATION ON APPROPRIATIONS.**

42 USC 300cc  
note.

Notwithstanding any other provision of law, the total amounts of Federal funds expended in any fiscal year for AIDS and HIV activities may not exceed the total amounts expended in such fiscal year for activities related to cancer.

**SEC. 12. ADDITIONAL PROVISIONS.**

(a) DEFINITIONS.—Section 2676(4) (42 U.S.C. 300ff-76(4)) is amended by inserting “funeral-service practitioners,” after “emergency medical technicians,”.

(b) MISCELLANEOUS AMENDMENT.—Section 1201(a) (42 U.S.C. 300d(a)) is amended in the matter preceding paragraph (1) by striking “The Secretary,” and all that follows through “shall,” and inserting “The Secretary shall,”.

(c) TECHNICAL CORRECTIONS.—Title XXVI (42 U.S.C. 300ff-11 et seq.) is amended—

(1) in section 2601(a), by inserting “section” before “2604”; 42 USC 300ff-11.

(2) in section 2603(b)(4)(B), by striking “an expedited grants” and inserting “an expedited grant”; 42 USC 300ff-13.

(3) in section 2617(b)(3)(B)(iv), by inserting “section” before “2615”; 42 USC 300ff-27.

(4) in section 2647— 42 USC 300ff-47.

(A) in subsection (a)(1), by inserting “to” before “HIV”;

(B) in subsection (c), by striking “section 2601” and inserting “section 2641”; and

(C) in subsection (d)—

- (i) in the matter preceding paragraph (1), by striking “section 2601” and inserting “section 2641”; and
- (ii) in paragraph (1), by striking “has in place” and inserting “will have in place”;
- 42 USC 300ff-48. (5) in section 2648—  
 (A) by converting the heading for the section to boldface type; and  
 (B) by redesignating the second subsection (g) as subsection (h);
- 42 USC 300ff-49. (6) in section 2649—  
 (A) in subsection (b)(1), by striking “subsection (a) of”; and  
 (B) in subsection (c)(1), by striking “this subsection” and inserting “subsection”;
- 42 USC 300ff-51. (7) in section 2651—  
 (A) in subsection (b)(3)(B), by striking “facility” and inserting “facilities”; and  
 (B) in subsection (c), by striking “exist” and inserting “exists”;
- 42 USC 300ff-76. (8) in section 2676—  
 (A) in paragraph (2), by striking “section” and all that follows through “by the” and inserting “section 2686 by the”; and  
 (B) in paragraph (10), by striking “673(a)” and inserting “673(2)”;
- 42 USC 300ff-84. (9) in part E, by converting the headings for subparts I and II to Roman typeface; and  
 (10) in section 2684(b), in the matter preceding paragraph (1), by striking “section 2682(d)(2)” and inserting “section 2683(d)(2)”.
- 42 USC 300ff-11 note. **SEC. 13. EFFECTIVE DATE.**

(a) **IN GENERAL.**—Except as provided in subsection (b), this Act, and the amendments made by this Act, shall become effective on October 1, 1996.

(b) **EXCEPTION.**—The amendments made by sections 3(a), 5, 6, and 7 of this Act to sections 2601(c), 2601(d), 2603(a), 2618(b), 2626, 2677, and 2691 of the Public Health Service Act, shall become effective on the date of enactment of this Act.

Approved May 20, 1996.

**LEGISLATIVE HISTORY—S. 641 (H.R. 1872):**

**HOUSE REPORTS:** Nos. 104-245 accompanying H.R. 1872 (Comm. on Commerce) and 104-545 (Comm. of Conference).

**SENATE REPORTS:** No. 104-25 (Comm. on Labor and Human Resources).

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): July 21, 26, 27, considered and passed Senate.

Sept. 18, H.R. 1872 considered and passed House; S. 641, amended, passed in lieu.

Vol. 142 (1996): May 1, House agreed to conference report.

May 2, Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS**, Vol. 32 (1996):

May 20, Presidential remarks and statement.

Public Law 104-147  
104th Congress

An Act

To amend the Water Resources Research Act of 1984 to extend the authorizations of appropriations through fiscal year 2000, and for other purposes.

May 24, 1996

[H.R. 1743]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

Section 102 of the Water Resources Research Act of 1984 (42 U.S.C. 10301) is amended—

(1) in paragraph (2), by inserting “, productivity of natural resources and agricultural systems,” after “environmental quality”;

(2) in paragraph (6), by striking “and” at the end;

(3) in paragraph (7), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(8) long-term planning and policy development are essential to ensure the availability of an abundant supply of high quality water for domestic and other uses; and

“(9) the States must have the research and problem-solving capacity necessary to effectively manage their water resources.”.

**SEC. 2. PURPOSE.**

Section 103 of the Water Resources Research Act of 1984 (42 U.S.C. 10302) is amended—

(1) in paragraph (5)—

(A) by striking “to”; and

(B) by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(7) encourage long-term planning and research to meet future water management, quality, and supply challenges.”.

**SEC. 3. GRANTS; MATCHING FUNDS.**

Section 104(c) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(c)) is amended by striking "one non-Federal dollar" and all that follows through "thereafter" and inserting "2 non-Federal dollars for every 1 Federal dollar".

**SEC. 4. GENERAL AUTHORIZATIONS OF APPROPRIATIONS.**

Section 104(f)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(f)(1)) is amended by striking "of \$10,000,000 for each of the fiscal years ending September 30, 1989, through September 30, 1995," and inserting "of \$5,000,000 for fiscal year 1996, \$7,000,000 for each of fiscal years 1997 and 1998, and \$9,000,000 for each of fiscal years 1999 and 2000".

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE NATURE.**

The first sentence of section 104(g)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(g)(1)) is amended by striking "of \$5,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, and 1995" and inserting "of \$3,000,000 for each of fiscal years 1996 through 2000".

**SEC. 6. COORDINATION.**

Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended by adding at the end the following:

"(h) COORDINATION.—

"(1) IN GENERAL.—To carry out this Act, the Secretary—

"(A) shall encourage other Federal departments, agencies (including agencies within the Department of the Interior), and instrumentalities to use and take advantage of the expertise and capabilities that are available through the institutes established by this section, on a cooperative or other basis;

"(B) shall encourage cooperation and coordination with other Federal programs concerned with water resources problems and issues;

"(C) may enter into contracts, cooperative agreements, and other transactions without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

"(D) may accept funds from other Federal departments, agencies (including agencies within the Department of the Interior), and instrumentalities to pay for and add to grants made, and contracts entered into, by the Secretary;

"(E) may promulgate such regulations as the Secretary considers appropriate; and

"(F) may support a program of internships for qualified individuals at the undergraduate and graduate levels to carry out the educational and training objectives of this Act.

“(2) REPORT.—The Secretary shall report to Congress annually on coordination efforts with other Federal departments, agencies, and instrumentalities under paragraph (1).

“(3) RELATIONSHIP TO STATE RIGHTS.—Nothing in this Act shall preempt the rights and authorities of any State with respect to its water resources or management of those resources.”.

Approved May 24, 1996.

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**LEGISLATIVE HISTORY—H.R. 1743:**

HOUSE REPORTS: No. 104-242 (Comm. on Resources).

SENATE REPORTS: No. 104-252 (Comm. on Environment and Public Works).

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): Oct. 17, considered and passed House.

Vol. 142 (1996): May 3, considered and passed Senate.

May 14, House concurred in Senate amendment.

Public Law 104-148  
104th Congress

An Act

May 24, 1996  
[H.R. 1836]

To authorize the Secretary of the Interior to acquire property in the town of East Hampton, Suffolk County, New York, for inclusion in the Amagansett National Wildlife Refuge.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

16 USC 668dd  
note.

**SECTION 1. AUTHORITY TO ACQUIRE PROPERTY FOR INCLUSION IN THE AMAGANSETT NATIONAL WILDLIFE REFUGE.**

(a) **AUTHORITY TO ACQUIRE PROPERTY.**—The Secretary of the Interior may acquire, for inclusion in the Amagansett National Wildlife Refuge, the area known as the Shadmoor Parcel, consisting of approximately 98 acres (as determined by the Secretary) located along the Atlantic Ocean adjacent to municipal park land in the town of East Hampton, Suffolk County, New York.

(b) **MANAGEMENT OF ACQUIRED INTERESTS.**—Lands and interests acquired by the United States under this section shall be managed by the Secretary of the Interior as part of the Amagansett National Wildlife Refuge.

16 USC 3503  
note.

**SEC. 2. CORRECTIONS TO COASTAL BARRIER RESOURCES MAP.**

(a) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary—

(1) to move the eastern boundary of the excluded area covering Ocean Beach, Seaview, Ocean Bay Park, and part of Point O'Woods to the western boundary of the Sunken Forest Preserve; and

(2) to ensure that the depiction of areas as "otherwise protected areas" does not include any area that is owned by the Point O'Woods Association (a privately held corporation under the laws of the State of New York).

(b) **MAP DESCRIBED.**—The map described in this subsection is the map that is included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, that relates to the unit of the Coastal Barrier Resources System entitled "Fire Island Unit NY-59P".

Approved May 24, 1996.

**LEGISLATIVE HISTORY—H.R. 1836 (S. 1422):**

HOUSE REPORTS: No. 104-529 (Comm. on Resources).

SENATE REPORTS: No. 104-255 accompanying S. 1422 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Apr. 23, considered and passed House.

May 3, considered and passed Senate, amended.

May 14, House concurred in Senate amendment.

Public Law 104-149  
104th Congress

An Act

To amend the National School Lunch Act to provide greater flexibility to schools to meet the Dietary Guidelines for Americans under the school lunch and school breakfast programs.

May 29, 1996

[H.R. 2066]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Healthy Meals for Children Act”.

Healthy Meals  
for Children Act.  
42 USC 1751  
note.

**SEC. 2. INCREASED FLEXIBILITY FOR SCHOOLS TO MEET THE DIETARY GUIDELINES FOR AMERICANS UNDER THE NATIONAL SCHOOL LUNCH ACT.**

Section 9(f)(2) of the National School Lunch Act (42 U.S.C. 1758(f)(2)) is amended by striking subparagraph (D) and inserting the following:

“(D) USE OF ANY REASONABLE APPROACH.—

“(i) IN GENERAL.—A school food service authority may use any reasonable approach, within guidelines established by the Secretary in a timely manner, to meet the requirements of this paragraph, including—

“(I) using the school nutrition meal pattern in effect for the 1994-1995 school year; and

“(II) using any of the approaches described in subparagraph (C).

“(ii) NUTRIENT ANALYSIS.—The Secretary may not require a school to conduct or use a nutrient analysis to meet the requirements of this paragraph.”.

Approved May 29, 1996.

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**LEGISLATIVE HISTORY—H.R. 2066:**

HOUSE REPORTS: No. 104-561 (Comm. on Economic and Educational Opportunities).

CONGRESSIONAL RECORD, Vol. 142 (1996):

May 14, considered and passed House.

May 16, considered and passed Senate.

Public Law 104-150  
104th Congress

An Act

June 3, 1996

[H.R. 1965]

Coastal Zone  
Protection Act of  
1996.  
16 USC 1451  
note.

To reauthorize the Coastal Zone Management Act of 1972, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Coastal Zone Protection Act of 1996”.

**SEC. 2. FINANCIAL ASSISTANCE FOR DEVELOPMENT OF STATE COASTAL PROGRAMS.**

(a) REAUTHORIZATION OF PROGRAM.—Section 305(a) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1454(a)) is amended—

(1) by striking “1991, 1992, and 1993” and inserting “1997, 1998, and 1999”; and

(2) by striking “two” and inserting “four”.

(b) TERMINATION OF PROGRAM.—

(1) IN GENERAL.—Section 305 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1454) is amended—

(A) by striking subsection (a);

(B) by striking “(b)”;

(C) by amending the heading to read as follows:

“SUBMITTAL OF STATE PROGRAM FOR APPROVAL”.

(2) CONFORMING AMENDMENTS.—Section 308(b)(2)(B) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1457(b)(2)(B)) is amended—

(A) in clause (iv) by adding “and” after the semicolon;

(B) by striking clause (v); and

(C) by redesignating clause (vi) as clause (v).

(3) EFFECTIVE DATE.—This subsection shall take effect on October 1, 1999.

**SEC. 3. IMPLEMENTATION ASSISTANCE FOR COASTAL ZONE ENHANCEMENT.**

Section 309(b) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456b(b)) is amended—

(1) by inserting “(1)” before “Subject to”; and

(2) by adding at the end the following new paragraph:

“(2)(A) In addition to any amounts provided under section 306, and subject to the availability of appropriations, the Secretary may make grants under this subsection to States for implementing program changes approved by the Secretary in accordance with section 306(e).”

16 USC 1456a.

16 USC 1454  
note.

“(B) Grants under this paragraph to implement a program change may not be made in any fiscal year after the second fiscal year that begins after the approval of that change by the Secretary.”.

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS.

Section 318 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464) is amended—

(1) by striking “SEC. 318.” and all that follows through subsection (a) and inserting the following:

“SEC. 318. (a) There are authorized to be appropriated to the Secretary, to remain available until expended—

“(1) for grants under sections 306, 306A, and 309—

“(A) \$47,600,000 for fiscal year 1997;

“(B) \$49,000,000 for fiscal year 1998; and

“(C) \$50,500,000 for fiscal year 1999; and

“(2) for grants under section 315—

“(A) \$4,400,000 for fiscal year 1997;

“(B) \$4,500,000 for fiscal year 1998; and

“(C) \$4,600,000 for fiscal year 1999.”;

(2) by striking subsection (b); and

(3) by redesignating subsections (c) and (d) in order as subsections (b) and (c).

#### SEC. 5. COASTAL ZONE MANAGEMENT FUND.

(a) AUTHORIZATION FOR ADMINISTRATIVE EXPENSES.—Section 308(b)(2)(A) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a(b)(2)(A)) is amended to read as follows:

“(A) Expenses incident to the administration of this title, in an amount not to exceed for each of fiscal years 1997, 1998, and 1999 the higher of—

“(i) \$4,000,000; or

“(ii) 8 percent of the total amount appropriated under this title for the fiscal year.”.

(b) AUTHORIZATION FOR PROGRAM DEVELOPMENT GRANTS.—Section 308(b)(2)(B)(v) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a(b)(2)(B)(v)) is amended to read as follows:

“(v) program development grants as authorized by section 305, in an amount not to exceed \$200,000 for each of fiscal years 1997, 1998, and 1999; and”.

#### SEC. 6. MATCHING REQUIREMENT.

Section 315(e)(3) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1461(e)(3)) is amended by adding at the end the following new subparagraph:

“(C) Notwithstanding subparagraphs (A) and (B), financial assistance under this subsection provided from amounts recovered as a result of damage to natural resources located in the coastal zone may be used to pay 100 percent of the costs of activities carried out with the assistance.”.

#### SEC. 7. AQUACULTURE IN THE COASTAL ZONE.

The Coastal Zone Management Act of 1972 is amended—

(1) in section 306A(b) (16 U.S.C. 1455a(b)) by adding at the end of the following:

“(4) The development of a coordinated process among State agencies to regulate and issue permits for aquaculture facilities in the coastal zone.”; and

(2) in section 309(a) (16 U.S.C. 1456b(a)) by adding at the end the following:

“(9) Adoption of procedures and policies to evaluate and facilitate the siting of public and private aquaculture facilities in the coastal zone, which will enable States to formulate, administer, and implement strategic plans for marine aquaculture.”.

#### SEC. 8. APPEALS TO THE SECRETARY.

The Coastal Zone Management Act of 1972 is amended by adding at the end the following new section:

##### “APPEALS TO THE SECRETARY

Federal Register,  
publication.  
16 USC 1465.

“SEC. 319. (a) NOTICE.—The Secretary shall publish in the Federal Register a notice indicating when the decision record has been closed on any appeal to the Secretary taken from a consistency determination under section 307(c) or (d). No later than 90 days after the date of publication of this notice, the Secretary shall—

“(1) issue a final decision in the appeal; or

“(2) publish a notice in the Federal Register detailing why a decision cannot be issued within the 90-day period.

“(b) DEADLINE.—In the case where the Secretary publishes a notice under subsection (a)(2), the Secretary shall issue a decision in any appeal filed under section 307 no later than 45 days after the date of the publication of the notice.

“(c) APPLICATION.—This section applies to appeals initiated by the Secretary and appeals filed by an applicant.”.

Approved June 3, 1996.

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#### LEGISLATIVE HISTORY—H.R. 1965:

HOUSE REPORTS: No. 104-521 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Apr. 23, considered and passed House.

May 21, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

June 3, Presidential statement.

Public Law 104-151  
104th Congress

An Act

To designate the United States courthouse in Washington, District of Columbia, as the "E. Barrett Prettyman United States Courthouse".

July 1, 1996  
[H.R. 3029]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF COURTHOUSE.**

40 USC 129a  
note.

The United States courthouse located at 3rd Street and Constitution Avenue, Northwest, in Washington, District of Columbia, shall be designated and known as the "E. Barrett Prettyman United States Courthouse".

**SEC. 2. REFERENCES.**

40 USC 129a  
note.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "E. Barrett Prettyman United States Courthouse".

Approved July 1, 1996.

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**LEGISLATIVE HISTORY—H.R. 3029 (S. 1510):**

HOUSE REPORTS: No. 104-588 (Comm. on Transportation and Infrastructure).  
CONGRESSIONAL RECORD, Vol. 142 (1996):

Feb. 7, S. 1510 considered and passed Senate.

June 10, H.R. 3029 considered and passed House.

June 18, considered and passed Senate.

Public Law 104-152  
104th Congress

An Act

July 2, 1996  
[H.R. 2803]

Anti-Car Theft  
Improvements  
Act of 1996.  
49 USC 30101  
note.

To amend the anti-car theft provisions of title 49, United States Code, to increase the utility of motor vehicle title information to State and Federal law enforcement officials, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Anti-Car Theft Improvements Act of 1996".

**SEC. 2. SYSTEM NAME AND IMPLEMENTATION DATE.**

(a) **SYSTEM DATE.**—Section 30502(a)(1) of title 49, United States Code, is amended by striking "January 31, 1996" and inserting "December 31, 1997".

(b) **SECTION 30503.**—Section 30503(d) of title 49, United States Code, is amended by striking "January 1, 1997" and inserting "October 1, 1998".

(c) **SYSTEM NAME.**—Chapter 305 of title 49, United States Code, is amended by striking "National Automobile Title Information System" each place it occurs in the chapter heading, the table of sections for chapter 305, the section heading for section 30502, and in the texts of sections 30502 and 30503 and inserting "National Motor Vehicle Title Information System".

**SEC. 3. DELEGATION OF AUTHORITY.**

(a) **SECRETARY OF TRANSPORTATION.**—Sections 30501, 30502, 30503, 30504, and 30505 of title 49, United States Code, are each amended by striking each reference to "Secretary of Transportation" or "Secretary" and inserting "Attorney General".

(b) **ATTORNEY GENERAL.**—Section 30502 of title 49, United States Code, is amended by striking each reference to "Attorney General" and inserting "Secretary of Transportation".

**SEC. 4. TITLE INFORMATION SYSTEM.**

Section 30502 of title 49, United States Code, is amended by adding at the end the following:

"(f) **IMMUNITY.**—Any person performing any activity under this section or sections 30503 or 30504 in good faith and with the reasonable belief that such activity was in accordance with this section or section 30503 or 30504, as the case may be, shall be immune from any civil action respecting such activity which is seeking money damages or equitable relief in any court of the United States or a State."

**SEC. 5. STOLEN VEHICLE INFORMATION SYSTEM.**

Section 33109 of title 49, United States Code, is amended by adding at the end the following:

“(d) IMMUNITY.—Any person performing any activity under this section or section 33110 or 33111 in good faith and with the reasonable belief that such activity was in accordance with such section shall be immune from any civil action respecting such activity which is seeking money damages or equitable relief in any court of the United States or a State.”.

**SEC. 6. GRANTS TO STATES.**

(a) AMENDMENT.—Section 30503(c)(2) of title 49, United States Code, is amended to read as follows:

“(2) The Attorney General may make reasonable and necessary grants to participating States to be used in making titling information maintained by those States available to the operator.”.

(b) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out sections 30503 and 33109 of title 49, United States Code.

(c) INFORMATION SYSTEM.—The information system established under section 30502 of title 49, United States Code, shall be effective as provided in the rules promulgated by the Attorney General.

49 USC 30502  
note.

Approved July 2, 1996.

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**LEGISLATIVE HISTORY—H.R. 2803:**

HOUSE REPORTS: No. 104-618 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 142 (1996):

June 18, considered and passed House.

June 20, considered and passed Senate.

Public Law 104-153  
104th Congress

An Act

July 2, 1996

[S. 1136]

Anticounterfeiting Consumer  
Protection Act of  
1996.  
Law enforcement  
and crime.  
18 USC 2311  
note.  
18 USC 2311  
note.

To control and prevent commercial counterfeiting, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Anticounterfeiting Consumer Protection Act of 1996”.

**SEC. 2. FINDINGS.**

The counterfeiting of trademarked and copyrighted merchandise—

- (1) has been connected with organized crime;
- (2) deprives legitimate trademark and copyright owners of substantial revenues and consumer goodwill;
- (3) poses health and safety threats to United States consumers;
- (4) eliminates United States jobs; and
- (5) is a multibillion-dollar drain on the United States economy.

**SEC. 3. COUNTERFEITING AS RACKETEERING.**

Section 1961(1)(B) of title 18, United States Code, is amended by inserting “, section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2319A (relating to unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances), section 2320 (relating to trafficking in goods or services bearing counterfeit marks)” after “sections 2314 and 2315 (relating to interstate transportation of stolen property)”.

**SEC. 4. APPLICATION TO COMPUTER PROGRAMS, COMPUTER PROGRAM DOCUMENTATION, OR PACKAGING.**

(a) **IN GENERAL.**—Section 2318 of title 18, United States Code, is amended—

- (1) in subsection (a), by striking “a motion picture or other audiovisual work,” and inserting “a computer program or documentation or packaging for a computer program, or a copy of a motion picture or other audiovisual work, and whoever, in any of the circumstances described in subsection (c) of this section, knowingly traffics in counterfeit documentation or packaging for a computer program,”;

(2) in subsection (b)(3) by inserting “‘computer program’,” after “‘motion picture’”; and

(3) in subsection (c)—

(A) by striking “or” at the end of paragraph (2);

(B) in paragraph (3)—

(i) by inserting “a copy of a copyrighted computer program or copyrighted documentation or packaging for a computer program,” after “enclose,”; and

(ii) by striking the period at the end and inserting “; or”; and

(C) by adding after paragraph (3) the following:

“(4) the counterfeited documentation or packaging for a computer program is copyrighted.”

(b) CONFORMING AMENDMENTS.—(1) The section caption for section 2318 of title 18, United States Code, is amended to read as follows:

**“§2318. Trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, and copies of motion pictures or other audio visual works, and trafficking in counterfeit computer program documentation or packaging”.**

(2) The item relating to section 2318 in the table of sections for chapter 113 of such title is amended to read as follows:

“2318. Trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, and copies of motion pictures or other audio visual works, and trafficking in counterfeit computer program documentation or packaging.”.

#### SEC. 5. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

Section 2320 of title 18, United States Code, is amended by adding at the end the following:

“(e) Beginning with the first year after the date of enactment of this subsection, the Attorney General shall include in the report of the Attorney General to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 28, an accounting, on a district by district basis, of the following with respect to all actions taken by the Department of Justice that involve trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of motion pictures or other audiovisual works (as defined in section 2318 of title 18), criminal infringement of copyrights (as defined in section 2319 of title 18), unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances (as defined in section 2319A of title 18), or trafficking in goods or services bearing counterfeit marks (as defined in section 2320 of title 18):

“(1) The number of open investigations.

“(2) The number of cases referred by the United States Customs Service.

“(3) The number of cases referred by other agencies or sources.

“(4) The number and outcome, including settlements, sentences, recoveries, and penalties, of all prosecutions brought under sections 2318, 2319, 2319A, and 2320 of title 18.”.

Reports.

**SEC. 6. SEIZURE OF COUNTERFEIT GOODS.**

Courts.

Section 34(d)(9) of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1116(d)(9)), is amended by striking the first sentence and inserting the following: "The court shall order that service of a copy of the order under this subsection shall be made by a Federal law enforcement officer (such as a United States marshal or an officer or agent of the United States Customs Service, Secret Service, Federal Bureau of Investigation, or Post Office) or may be made by a State or local law enforcement officer, who, upon making service, shall carry out the seizure under the order."

**SEC. 7. RECOVERY FOR VIOLATION OF RIGHTS.**

Section 35 of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1117), is amended by adding at the end the following new subsection:

"(c) In a case involving the use of a counterfeit mark (as defined in section 34(d) (15 U.S.C. 1116(d))) in connection with the sale, offering for sale, or distribution of goods or services, the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits under subsection (a), an award of statutory damages for any such use in connection with the sale, offering for sale, or distribution of goods or services in the amount of—

"(1) not less than \$500 or more than \$100,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just; or

"(2) if the court finds that the use of the counterfeit mark was willful, not more than \$1,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just."

**SEC. 8. DISPOSITION OF EXCLUDED ARTICLES.**

Section 603(c) of title 17, United States Code, is amended in the second sentence by striking "as the case may be;" and all that follows through the end and inserting "as the case may be."

**SEC. 9. DISPOSITION OF MERCHANDISE BEARING AMERICAN TRADE-MARK.**

Section 526(e) of the Tariff Act of 1930 (19 U.S.C. 1526(e)) is amended—

(1) in the second sentence, by inserting "destroy the merchandise. Alternatively, if the merchandise is not unsafe or a hazard to health, and the Secretary has the consent of the trademark owner, the Secretary may" after "shall, after forfeiture,";

(2) by inserting "or" at the end of paragraph (2);

(3) by striking ", or" at the end of paragraph (3) and inserting a period; and

(4) by striking paragraph (4).

**SEC. 10. CIVIL PENALTIES.**

Section 526 of the Tariff Act of 1930 (19 U.S.C. 1526) is amended by adding at the end the following new subsection:

"(f) CIVIL PENALTIES.—(1) Any person who directs, assists financially or otherwise, or aids and abets the importation of merchandise for sale or public distribution that is seized under subsection (e) shall be subject to a civil fine.

“(2) For the first such seizure, the fine shall be not more than the value that the merchandise would have had if it were genuine, according to the manufacturer’s suggested retail price, determined under regulations promulgated by the Secretary.

“(3) For the second seizure and thereafter, the fine shall be not more than twice the value that the merchandise would have had if it were genuine, as determined under regulations promulgated by the Secretary.

“(4) The imposition of a fine under this subsection shall be within the discretion of the Customs Service, and shall be in addition to any other civil or criminal penalty or other remedy authorized by law.”.

#### SEC. 11. PUBLIC DISCLOSURE OF AIRCRAFT MANIFESTS.

Section 431(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting “vessel or aircraft” before “manifest”;

(2) by amending subparagraph (D) to read as follows:

“(D) The name of the vessel, aircraft, or carrier.”;

(3) by amending subparagraph (E) to read as follows:

“(E) The seaport or airport of loading.”;

(4) by amending subparagraph (F) to read as follows:

“(F) The seaport or airport of discharge.”; and

(5) by adding after subparagraph (G) the following new subparagraph:

“(H) The trademarks appearing on the goods or packages.”.

#### SEC. 12. CUSTOMS ENTRY DOCUMENTATION.

Section 484(d) of the Tariff Act of 1930 (19 U.S.C. 1484(d)) is amended—

(1) by striking “Entries” and inserting “(1) Entries”; and

(2) by adding at the end the following new paragraph:

“(2) The Secretary, in prescribing regulations governing the content of entry documentation, shall require that entry documentation contain such information as may be necessary to determine whether the imported merchandise bears an infringing trademark in violation of section 42 of the Act of July 5, 1946 (commonly referred to as the “Trademark Act of 1946”; 15 U.S.C. 1124), or any other applicable law, including a trademark appearing on the goods or packaging.”.

#### SEC. 13. UNLAWFUL USE OF VESSELS, VEHICLES, AND AIRCRAFT IN AID OF COMMERCIAL COUNTERFEITING.

Section 80302(a) of title 49, United States Code, is amended—

(1) by striking “or” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(6)(A) a counterfeit label for a phonorecord, copy of a computer program or computer program documentation or packaging, or copy of a motion picture or other audiovisual work (as defined in section 2318 of title 18);

“(B) a phonorecord or copy in violation of section 2319 of title 18;

“(C) a fixation of a sound recording or music video of a live musical performance in violation of section 2319A of title 18; or

“(D) any good bearing a counterfeit mark (as defined in section 2320 of title 18).”.

19 USC 1431  
note.

**SEC. 14. REGULATIONS.**

Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe such regulations or amendments to existing regulations that may be necessary to carry out the amendments made by sections 9, 10, 11, 12, and 13 of this Act.

Approved July 2, 1996.

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**LEGISLATIVE HISTORY—S. 1136 (H.R. 2511):**

HOUSE REPORTS: No. 104-556 accompanying H.R. 2511 (Comm. on the Judiciary).

SENATE REPORTS: No. 104-177 (Comm. on the Judiciary).

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): Dec. 13, considered and passed Senate.

Vol. 142 (1996): June 4, H.R. 2511 considered and passed House; S. 1136, amended, passed in lieu.

June 14, Senate concurred in House amendment.

Public Law 104-154  
104th Congress

An Act

To designate the bridge, estimated to be completed in the year 2000, that replaces the bridge on Missouri highway 74 spanning from East Cape Girardeau, Illinois, to Cape Girardeau, Missouri, as the "Bill Emerson Memorial Bridge", and for other purposes.

July 2, 1996  
[S. 1903]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF BILL EMERSON BRIDGE.**

The bridge, estimated to be completed in the year 2000, that replaces the bridge on highway 74 spanning from East Cape Girardeau, Illinois, to Cape Girardeau, Missouri, shall be known and designated as the "Bill Emerson Memorial Bridge".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the bridge referred to in section 1 shall be deemed to be a reference to the "Bill Emerson Memorial Bridge".

Approved July 2, 1996.

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**LEGISLATIVE HISTORY—S. 1903:**

CONGRESSIONAL RECORD, Vol. 142 (1996):  
June 25, considered and passed Senate and House.

Public Law 104-155  
104th Congress

An Act

July 3, 1996

[H.R. 3525]

To amend title 18, United States Code, to clarify the Federal jurisdiction over offenses relating to damage to religious property.

Church Arson  
Prevention Act of  
1996.  
18 USC 241 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Church Arson Prevention Act of 1996".

18 USC 247 note.

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) The incidence of arson or other destruction or vandalism of places of religious worship, and the incidence of violent interference with an individual's lawful exercise or attempted exercise of the right of religious freedom at a place of religious worship pose a serious national problem.

(2) The incidence of arson of places of religious worship has recently increased, especially in the context of places of religious worship that serve predominantly African-American congregations.

(3) Changes in Federal law are necessary to deal properly with this problem.

(4) Although local jurisdictions have attempted to respond to the challenges posed by such acts of destruction or damage to religious property, the problem is sufficiently serious, widespread, and interstate in scope to warrant Federal intervention to assist State and local jurisdictions.

(5) Congress has authority, pursuant to the Commerce Clause of the Constitution, to make acts of destruction or damage to religious property a violation of Federal law.

(6) Congress has authority, pursuant to section 2 of the 13th amendment to the Constitution, to make actions of private citizens motivated by race, color, or ethnicity that interfere with the ability of citizens to hold or use religious property without fear of attack, violations of Federal criminal law.

**SEC. 3. PROHIBITION OF VIOLENT INTERFERENCE WITH RELIGIOUS WORSHIP.**

Section 247 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "subsection (c) of this section" and inserting "subsection (d)";

(2) by redesignating subsections (c), (d), and (e), as subsections (d), (e), and (f), respectively;

(3) by striking subsection (b) and inserting the following:

“(b) The circumstances referred to in subsection (a) are that the offense is in or affects interstate or foreign commerce.

“(c) Whoever intentionally defaces, damages, or destroys any religious real property because of the race, color, or ethnic characteristics of any individual associated with that religious property, or attempts to do so, shall be punished as provided in subsection (d).”;

(4) in subsection (d), as redesignated—

(A) in paragraph (2)—

(i) by inserting “to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section,” after “bodily injury”; and

(ii) by striking “ten years” and inserting “20 years”;

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

“(2) if bodily injury results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section, and the violation is by means of fire or an explosive, a fine under this title or imprisonment for not more than 40 years, or both;”;

(5) in subsection (f), as redesignated—

(A) by striking “religious property” and inserting “religious real property” both places it appears; and

(B) by inserting “, including fixtures or religious objects contained within a place of religious worship” before the period; and

(6) by adding at the end the following new subsection:

“(g) No person shall be prosecuted, tried, or punished for any noncapital offense under this section unless the indictment is found or the information is instituted not later than 7 years after the date on which the offense was committed.”.

#### SEC. 4. LOAN GUARANTEE RECOVERY FUND.

(a) IN GENERAL.—

(1) IN GENERAL.—Using amounts described in paragraph (2), the Secretary of Housing and Urban Development (referred to as the “Secretary”) shall make guaranteed loans to financial institutions in connection with loans made by such institutions to assist organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 that have been damaged as a result of acts of arson or terrorism in accordance with such procedures as the Secretary shall establish by regulation.

Regulations.

(2) USE OF CREDIT SUBSIDY.—Notwithstanding any other provision of law, for the cost of loan guarantees under this section, the Secretary may use not more than \$5,000,000 of the amounts made available for fiscal year 1996 for the credit subsidy provided under the General Insurance Fund and the Special Risk Insurance Fund.

(b) TREATMENT OF COSTS.—The costs of guaranteed loans under this section, including the cost of modifying loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(c) LIMIT ON LOAN PRINCIPAL.—Funds made available under this section shall be available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$10,000,000.

(d) TERMS AND CONDITIONS.—The Secretary shall—

(1) establish such terms and conditions as the Secretary considers to be appropriate to provide loan guarantees under this section, consistent with section 503 of the Credit Reform Act; and

(2) include in the terms and conditions a requirement that the decision to provide a loan guarantee to a financial institution and the amount of the guarantee does not in any way depend on the purpose, function, or identity of the organization to which the financial institution has made, or intends to make, a loan.

**SEC. 5. COMPENSATION OF VICTIMS; REQUIREMENT OF INCLUSION IN LIST OF CRIMES ELIGIBLE FOR COMPENSATION.**

Section 1403(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)(3)) is amended by inserting "crimes, whose victims suffer death or personal injury, that are described in section 247 of title 18, United States Code," after "includes".

**SEC. 6. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.**

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, in fiscal years 1996 and 1997 such sums as are necessary to increase the number of personnel, investigators, and technical support personnel to investigate, prevent, and respond to potential violations of sections 247 and 844 of title 18, United States Code.

**SEC. 7. REAUTHORIZATION OF HATE CRIMES STATISTICS ACT.**

The first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended—

(1) in subsection (b), by striking "for the calendar year 1990 and each of the succeeding 4 calendar years" and inserting "for each calendar year"; and

(2) in subsection (c), by striking "1994" and inserting "2002".

**SEC. 8. SENSE OF THE CONGRESS.**

The Congress—

(1) commends those individuals and entities that have responded with funds to assist in the rebuilding of places of worship that have been victimized by arson; and

(2) encourages the private sector to continue these efforts so that places of worship that are victimized by arson, and their affected communities, can continue the rebuilding process with maximum financial support from private individuals, businesses, charitable organizations, and other non-profit entities.

Approved July 3, 1996.

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**LEGISLATIVE HISTORY—H.R. 3525 (S. 1890):**

HOUSE REPORTS: No. 104-621 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 142 (1996):

June 18, considered and passed House.

June 26, considered and passed Senate, amended.

June 27, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

July 3, Presidential statement.

Public Law 104-156  
104th Congress

An Act

July 5, 1996  
[S. 1579]

Single Audit Act  
Amendments of  
1996.  
31 USC 7501  
note.

To streamline and improve the effectiveness of chapter 75 of title 31, United States Code (commonly referred to as the "Single Audit Act").

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; PURPOSES.**

(a) **SHORT TITLE.**—This Act may be cited as the "Single Audit Act Amendments of 1996".

(b) **PURPOSES.**—The purposes of this Act are to—

(1) promote sound financial management, including effective internal controls, with respect to Federal awards administered by non-Federal entities;

(2) establish uniform requirements for audits of Federal awards administered by non-Federal entities;

(3) promote the efficient and effective use of audit resources;

(4) reduce burdens on State and local governments, Indian tribes, and nonprofit organizations; and

(5) ensure that Federal departments and agencies, to the maximum extent practicable, rely upon and use audit work done pursuant to chapter 75 of title 31, United States Code (as amended by this Act).

**SEC. 2. AMENDMENT TO TITLE 31, UNITED STATES CODE.**

Chapter 75 of title 31, United States Code, is amended to read as follows:

**"CHAPTER 75—REQUIREMENTS FOR SINGLE AUDITS**

**"Sec.**

**"7501. Definitions.**

**"7502. Audit requirements; exemptions.**

**"7503. Relation to other audit requirements.**

**"7504. Federal agency responsibilities and relations with non-Federal entities.**

**"7505. Regulations.**

**"7506. Monitoring responsibilities of the Comptroller General.**

**"7507. Effective date.**

**"§ 7501. Definitions**

"(a) As used in this chapter, the term—

"(1) 'Comptroller General' means the Comptroller General of the United States;

"(2) 'Director' means the Director of the Office of Management and Budget;

"(3) 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5;

“(4) ‘Federal awards’ means Federal financial assistance and Federal cost-reimbursement contracts that non-Federal entities receive directly from Federal awarding agencies or indirectly from pass-through entities;

“(5) ‘Federal financial assistance’ means assistance that non-Federal entities receive or administer in the form of grants, loans, loan guarantees, property, cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, or other assistance, but does not include amounts received as reimbursement for services rendered to individuals in accordance with guidance issued by the Director;

“(6) ‘Federal program’ means all Federal awards to a non-Federal entity assigned a single number in the Catalog of Federal Domestic Assistance or encompassed in a group of numbers or other category as defined by the Director;

“(7) ‘generally accepted government auditing standards’ means the government auditing standards issued by the Comptroller General;

“(8) ‘independent auditor’ means—

“(A) an external State or local government auditor who meets the independence standards included in generally accepted government auditing standards; or

“(B) a public accountant who meets such independence standards;

“(9) ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation (as defined in, or established under, the Alaskan Native Claims Settlement Act) that is recognized by the United States as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

“(10) ‘internal controls’ means a process, effected by an entity’s management and other personnel, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

“(A) Effectiveness and efficiency of operations.

“(B) Reliability of financial reporting.

“(C) Compliance with applicable laws and regulations;

“(11) ‘local government’ means any unit of local government within a State, including a county, borough, municipality, city, town, township, parish, local public authority, special district, school district, intrastate district, council of governments, any other instrumentality of local government and, in accordance with guidelines issued by the Director, a group of local governments;

“(12) ‘major program’ means a Federal program identified in accordance with risk-based criteria prescribed by the Director under this chapter, subject to the limitations described under subsection (b);

“(13) ‘non-Federal entity’ means a State, local government, or nonprofit organization;

“(14) ‘nonprofit organization’ means any corporation, trust, association, cooperative, or other organization that—

“(A) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;

“(B) is not organized primarily for profit; and

“(C) uses net proceeds to maintain, improve, or expand the operations of the organization;

“(15) ‘pass-through entity’ means a non-Federal entity that provides Federal awards to a subrecipient to carry out a Federal program;

“(16) ‘program-specific audit’ means an audit of one Federal program;

“(17) ‘recipient’ means a non-Federal entity that receives awards directly from a Federal agency to carry out a Federal program;

“(18) ‘single audit’ means an audit, as described under section 7502(d), of a non-Federal entity that includes the entity’s financial statements and Federal awards;

“(19) ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, any instrumentality thereof, any multi-State, regional, or interstate entity which has governmental functions, and any Indian tribe; and

“(20) ‘subrecipient’ means a non-Federal entity that receives Federal awards through another non-Federal entity to carry out a Federal program, but does not include an individual who receives financial assistance through such awards.

“(b) In prescribing risk-based program selection criteria for major programs, the Director shall not require more programs to be identified as major for a particular non-Federal entity, except as prescribed under subsection (c) or as provided under subsection (d), than would be identified if the major programs were defined as any program for which total expenditures of Federal awards by the non-Federal entity during the applicable year exceed—

“(1) the larger of \$30,000,000 or 0.15 percent of the non-Federal entity’s total Federal expenditures, in the case of a non-Federal entity for which such total expenditures for all programs exceed \$10,000,000,000;

“(2) the larger of \$3,000,000, or 0.30 percent of the non-Federal entity’s total Federal expenditures, in the case of a non-Federal entity for which such total expenditures for all programs exceed \$100,000,000 but are less than or equal to \$10,000,000,000; or

“(3) the larger of \$300,000, or 3 percent of such total Federal expenditures for all programs, in the case of a non-Federal entity for which such total expenditures for all programs equal or exceed \$300,000 but are less than or equal to \$100,000,000.

“(c) When the total expenditures of a non-Federal entity’s major programs are less than 50 percent of the non-Federal entity’s total expenditures of all Federal awards (or such lower percentage as specified by the Director), the auditor shall select and test additional programs as major programs as necessary to achieve audit coverage of at least 50 percent of Federal expenditures by the non-Federal entity (or such lower percentage as specified by the Director), in accordance with guidance issued by the Director.

“(d) Loan or loan guarantee programs, as specified by the Director, shall not be subject to the application of subsection (b).

**“§ 7502. Audit requirements; exemptions**

“(a)(1)(A) Each non-Federal entity that expends a total amount of Federal awards equal to or in excess of \$300,000 or such other amount specified by the Director under subsection (a)(3) in any fiscal year of such non-Federal entity shall have either a single audit or a program-specific audit made for such fiscal year in accordance with the requirements of this chapter.

“(B) Each such non-Federal entity that expends Federal awards under more than one Federal program shall undergo a single audit in accordance with the requirements of subsections (b) through (i) of this section and guidance issued by the Director under section 7505.

“(C) Each such non-Federal entity that expends awards under only one Federal program and is not subject to laws, regulations, or Federal award agreements that require a financial statement audit of the non-Federal entity, may elect to have a program-specific audit conducted in accordance with applicable provisions of this section and guidance issued by the Director under section 7505.

“(2)(A) Each non-Federal entity that expends a total amount of Federal awards of less than \$300,000 or such other amount specified by the Director under subsection (a)(3) in any fiscal year of such entity, shall be exempt for such fiscal year from compliance with—

“(i) the audit requirements of this chapter; and

“(ii) any applicable requirements concerning financial audits contained in Federal statutes and regulations governing programs under which such Federal awards are provided to that non-Federal entity.

“(B) The provisions of subparagraph (A)(ii) of this paragraph shall not exempt a non-Federal entity from compliance with any provision of a Federal statute or regulation that requires such non-Federal entity to maintain records concerning Federal awards provided to such non-Federal entity or that permits a Federal agency, pass-through entity, or the Comptroller General access to such records.

“(3) Every 2 years, the Director shall review the amount for requiring audits prescribed under paragraph (1)(A) and may adjust such dollar amount consistent with the purposes of this chapter, provided the Director does not make such adjustments below \$300,000.

“(b)(1) Except as provided in paragraphs (2) and (3), audits conducted pursuant to this chapter shall be conducted annually.

“(2) A State or local government that is required by constitution or statute, in effect on January 1, 1987, to undergo its audits less frequently than annually, is permitted to undergo its audits pursuant to this chapter biennially. Audits conducted biennially under the provisions of this paragraph shall cover both years within the biennial period.

“(3) Any nonprofit organization that had biennial audits for all biennial periods ending between July 1, 1992, and January 1, 1995, is permitted to undergo its audits pursuant to this chapter biennially. Audits conducted biennially under the provisions of this paragraph shall cover both years within the biennial period.

“(c) Each audit conducted pursuant to subsection (a) shall be conducted by an independent auditor in accordance with generally accepted government auditing standards, except that, for the

purposes of this chapter, performance audits shall not be required except as authorized by the Director.

"(d) Each single audit conducted pursuant to subsection (a) for any fiscal year shall—

"(1) cover the operations of the entire non-Federal entity;

or

"(2) at the option of such non-Federal entity such audit shall include a series of audits that cover departments, agencies, and other organizational units which expended or otherwise administered Federal awards during such fiscal year provided that each such audit shall encompass the financial statements and schedule of expenditures of Federal awards for each such department, agency, and organizational unit, which shall be considered to be a non-Federal entity.

"(e) The auditor shall—

"(1) determine whether the financial statements are presented fairly in all material respects in conformity with generally accepted accounting principles;

"(2) determine whether the schedule of expenditures of Federal awards is presented fairly in all material respects in relation to the financial statements taken as a whole;

"(3) with respect to internal controls pertaining to the compliance requirements for each major program—

"(A) obtain an understanding of such internal controls;

"(B) assess control risk; and

"(C) perform tests of controls unless the controls are deemed to be ineffective; and

"(4) determine whether the non-Federal entity has complied with the provisions of laws, regulations, and contracts or grants pertaining to Federal awards that have a direct and material effect on each major program.

"(f)(1) Each Federal agency which provides Federal awards to a recipient shall—

"(A) provide such recipient the program names (and any identifying numbers) from which such awards are derived, and the Federal requirements which govern the use of such awards and the requirements of this chapter; and

"(B) review the audit of a recipient as necessary to determine whether prompt and appropriate corrective action has been taken with respect to audit findings, as defined by the Director, pertaining to Federal awards provided to the recipient by the Federal agency.

"(2) Each pass-through entity shall—

"(A) provide such subrecipient the program names (and any identifying numbers) from which such assistance is derived, and the Federal requirements which govern the use of such awards and the requirements of this chapter;

"(B) monitor the subrecipient's use of Federal awards through site visits, limited scope audits, or other means;

"(C) review the audit of a subrecipient as necessary to determine whether prompt and appropriate corrective action has been taken with respect to audit findings, as defined by the Director, pertaining to Federal awards provided to the subrecipient by the pass-through entity; and

"(D) require each of its subrecipients of Federal awards to permit, as a condition of receiving Federal awards, the independent auditor of the pass-through entity to have such

access to the subrecipient's records and financial statements as may be necessary for the pass-through entity to comply with this chapter.

"(g)(1) The auditor shall report on the results of any audit conducted pursuant to this section, in accordance with guidance issued by the Director. Reports.

"(2) When reporting on any single audit, the auditor shall include a summary of the auditor's results regarding the non-Federal entity's financial statements, internal controls, and compliance with laws and regulations.

"(h) The non-Federal entity shall transmit the reporting package, which shall include the non-Federal entity's financial statements, schedule of expenditures of Federal awards, corrective action plan defined under subsection (i), and auditor's reports developed pursuant to this section, to a Federal clearinghouse designated by the Director, and make it available for public inspection within the earlier of—

"(1) 30 days after receipt of the auditor's report; or

"(2)(A) for a transition period of at least 2 years after the effective date of the Single Audit Act Amendments of 1996, as established by the Director, 13 months after the end of the period audited; or

"(B) for fiscal years beginning after the period specified in subparagraph (A), 9 months after the end of the period audited, or within a longer timeframe authorized by the Federal agency, determined under criteria issued under section 7504, when the 9-month timeframe would place an undue burden on the non-Federal entity.

"(i) If an audit conducted pursuant to this section discloses any audit findings, as defined by the Director, including material noncompliance with individual compliance requirements for a major program by, or reportable conditions in the internal controls of, the non-Federal entity with respect to the matters described in subsection (e), the non-Federal entity shall submit to Federal officials designated by the Director, a plan for corrective action to eliminate such audit findings or reportable conditions or a statement describing the reasons that corrective action is not necessary. Such plan shall be consistent with the audit resolution standard promulgated by the Comptroller General (as part of the standards for internal controls in the Federal Government) pursuant to section 3512(c).

"(j) The Director may authorize pilot projects to test alternative methods of achieving the purposes of this chapter. Such pilot projects may begin only after consultation with the Chair and Ranking Minority Member of the Committee on Governmental Affairs of the Senate and the Chair and Ranking Minority Member of the Committee on Government Reform and Oversight of the House of Representatives.

#### **"§ 7503. Relation to other audit requirements**

"(a) An audit conducted in accordance with this chapter shall be in lieu of any financial audit of Federal awards which a non-Federal entity is required to undergo under any other Federal law or regulation. To the extent that such audit provides a Federal agency with the information it requires to carry out its responsibilities under Federal law or regulation, a Federal agency shall rely upon and use that information.

“(b) Notwithstanding subsection (a), a Federal agency may conduct or arrange for additional audits which are necessary to carry out its responsibilities under Federal law or regulation. The provisions of this chapter do not authorize any non-Federal entity (or subrecipient thereof) to constrain, in any manner, such agency from carrying out or arranging for such additional audits, except that the Federal agency shall plan such audits to not be duplicative of other audits of Federal awards.

“(c) The provisions of this chapter do not limit the authority of Federal agencies to conduct, or arrange for the conduct of, audits and evaluations of Federal awards, nor limit the authority of any Federal agency Inspector General or other Federal official.

“(d) Subsection (a) shall apply to a non-Federal entity which undergoes an audit in accordance with this chapter even though it is not required by section 7502(a) to have such an audit.

“(e) A Federal agency that provides Federal awards and conducts or arranges for audits of non-Federal entities receiving such awards that are in addition to the audits of non-Federal entities conducted pursuant to this chapter shall, consistent with other applicable law, arrange for funding the full cost of such additional audits. Any such additional audits shall be coordinated with the Federal agency determined under criteria issued under section 7504 to preclude duplication of the audits conducted pursuant to this chapter or other additional audits.

“(f) Upon request by a Federal agency or the Comptroller General, any independent auditor conducting an audit pursuant to this chapter shall make the auditor's working papers available to the Federal agency or the Comptroller General as part of a quality review, to resolve audit findings, or to carry out oversight responsibilities consistent with the purposes of this chapter. Such access to auditor's working papers shall include the right to obtain copies.

**“§ 7504. Federal agency responsibilities and relations with non-Federal entities**

“(a) Each Federal agency shall, in accordance with guidance issued by the Director under section 7505, with regard to Federal awards provided by the agency—

“(1) monitor non-Federal entity use of Federal awards, and

“(2) assess the quality of audits conducted under this chapter for audits of entities for which the agency is the single Federal agency determined under subsection (b).

“(b) Each non-Federal entity shall have a single Federal agency, determined in accordance with criteria established by the Director, to provide the non-Federal entity with technical assistance and assist with implementation of this chapter.

“(c) The Director shall designate a Federal clearinghouse to—

“(1) receive copies of all reporting packages developed in accordance with this chapter;

“(2) identify recipients that expend \$300,000 or more in Federal awards or such other amount specified by the Director under section 7502(a)(3) during the recipient's fiscal year but did not undergo an audit in accordance with this chapter; and

“(3) perform analyses to assist the Director in carrying out responsibilities under this chapter.

**“§ 7505. Regulations**

“(a) The Director, after consultation with the Comptroller General, and appropriate officials from Federal, State, and local governments and nonprofit organizations shall prescribe guidance to implement this chapter. Each Federal agency shall promulgate such amendments to its regulations as may be necessary to conform such regulations to the requirements of this chapter and of such guidance.

“(b)(1) The guidance prescribed pursuant to subsection (a) shall include criteria for determining the appropriate charges to Federal awards for the cost of audits. Such criteria shall prohibit a non-Federal entity from charging to any Federal awards—

“(A) the cost of any audit which is—

“(i) not conducted in accordance with this chapter;  
or

“(ii) conducted in accordance with this chapter when expenditures of Federal awards are less than amounts cited in section 7502(a)(1)(A) or specified by the Director under section 7502(a)(3), except that the Director may allow the cost of limited scope audits to monitor subrecipients in accordance with section 7502(f)(2)(B); and

“(B) more than a reasonably proportionate share of the cost of any such audit that is conducted in accordance with this chapter.

“(2) The criteria prescribed pursuant to paragraph (1) shall not, in the absence of documentation demonstrating a higher actual cost, permit the percentage of the cost of audits performed pursuant to this chapter charged to Federal awards, to exceed the ratio of total Federal awards expended by such non-Federal entity during the applicable fiscal year or years, to such non-Federal entity's total expenditures during such fiscal year or years.

“(c) Such guidance shall include such provisions as may be necessary to ensure that small business concerns and business concerns owned and controlled by socially and economically disadvantaged individuals will have the opportunity to participate in the performance of contracts awarded to fulfill the audit requirements of this chapter.

**“§ 7506. Monitoring responsibilities of the Comptroller General**

“(a) The Comptroller General shall review provisions requiring financial audits of non-Federal entities that receive Federal awards that are contained in bills and resolutions reported by the committees of the Senate and the House of Representatives.

“(b) If the Comptroller General determines that a bill or resolution contains provisions that are inconsistent with the requirements of this chapter, the Comptroller General shall, at the earliest practicable date, notify in writing—

“(1) the committee that reported such bill or resolution;  
and

“(2)(A) the Committee on Governmental Affairs of the Senate (in the case of a bill or resolution reported by a committee of the Senate); or

“(B) the Committee on Government Reform and Oversight of the House of Representatives (in the case of a bill or resolution reported by a committee of the House of Representatives).

**“§ 7507. Effective date**

“This chapter shall apply to any non-Federal entity with respect to any of its fiscal years which begin after June 30, 1996.”.

31 USC 7501  
note.

**SEC. 3. TRANSITIONAL APPLICATION.**

Subject to section 7507 of title 31, United States Code (as amended by section 2 of this Act) the provisions of chapter 75 of such title (before amendment by section 2 of this Act) shall continue to apply to any State or local government with respect to any of its fiscal years beginning before July 1, 1996.

Approved July 5, 1996.

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**LEGISLATIVE HISTORY—S. 1579 (H.R. 3184):**

HOUSE REPORTS: No. 104-607 accompanying H.R. 3184 (Comm. on Government Reform and Oversight).

SENATE REPORTS: No. 104-266 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 142 (1996):

June 14, considered and passed Senate.

June 18, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

July 5, Presidential statement.

Public Law 104-157  
104th Congress

An Act

To designate the United States Post Office building located at 102 South McLean, Lincoln, Illinois, as the "Edward Madigan Post Office Building".

July 9, 1996  
[H.R. 1880]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The United States Post Office building located at 102 South McLean, Lincoln, Illinois, shall be known and designated as the "Edward Madigan Post Office Building".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the "Edward Madigan Post Office Building".

Approved July 9, 1996.

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**LEGISLATIVE HISTORY—H.R. 1880:**

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): Dec. 19, considered and passed House.

Vol. 142 (1996): June 27, considered and passed Senate.

Public Law 104-158  
104th Congress

An Act

July 9, 1996  
[H.R. 2437]

To provide for the exchange of certain lands in Gilpin County, Colorado.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds and declares that—

(1) certain scattered parcels of Federal land located within Gilpin County, Colorado, are currently administered by the Secretary of the Interior as part of the Royal Gorge Resource Area, Canon City District, United States Bureau of Land Management;

(2) these land parcels, which comprises approximately 133 separate tracts of land, and range in size from approximately 38 acres to much less than an acre have been identified as suitable for disposal by the Bureau of Land Management through its resource management planning process and are appropriate for disposal; and

(3) even though the Federal land parcels in Gilpin County, Colorado, are scattered and small in size, they nevertheless by virtue of their proximity to existing communities appear to have a fair market value which may be used by the Federal Government to exchange for lands which will better lend themselves to Federal management and have higher values for future public access, use and enjoyment, recreation, the protection and enhancement of fish and wildlife and fish and wildlife habitat, and the protection of riparian lands, wetlands, scenic beauty and other public values.

(b) **PURPOSE.**—It is the purpose of this Act to authorize, direct, facilitate and expedite the land exchange set forth herein in order to further the public interest by disposing of Federal lands with limited public utility and acquire in exchange therefor lands with important values for permanent public management and protection.

**SEC. 2. LAND EXCHANGE.**

Lake Gulch, Inc.

(a) **IN GENERAL.**—The exchange directed by this Act shall be consummated if within 90 days after enactment of this Act, Lake Gulch, Inc., a Colorado Corporation (as defined in section 4 of this Act) offers to transfer to the United States pursuant to the provisions of this Act the offered lands or interests in land described herein.

(b) **CONVEYANCE BY LAKE GULCH.**—Subject to the provisions of section 3 of this Act, Lake Gulch shall convey to the Secretary of the Interior all right, title, and interest in and to the following offered lands—

(1) certain lands comprising approximately 40 acres with improvements thereon located in Larimer County, Colorado, and lying within the boundaries of Rocky Mountain National Park as generally depicted on a map entitled "Circle C Church Camp", dated August 1994, which shall upon their acquisition by the United States and without further action by the Secretary of the Interior be incorporated into Rocky Mountain National Park and thereafter be administered in accordance with the laws, rules and regulations generally applicable to the National Park System and Rocky Mountain National Park;

16 USC 191 note.

(2) certain lands located within and adjacent to the United States Bureau of Land Management San Luis Resource Area in Conejos County, Colorado, which comprise approximately 3,993 acres and are generally depicted on a map entitled "Quinlan Ranches Tract", dated August 1994; and

(3) certain lands located within the United States Bureau of Land Management Royal Gorge Resource Area in Huerfano County, Colorado, which comprise approximately 4,700 acres and are generally depicted on a map entitled "Bonham Ranch-Cucharas Canyon", dated June 1995: *Provided, however*, That it is the intention of Congress that such lands may remain available for the grazing of livestock as determined appropriate by the Secretary in accordance with applicable laws, rules, and regulations: *Provided further*, That if the Secretary determines that certain of the lands acquired adjacent to Cucharas Canyon hereunder are not needed for public purposes they may be sold in accordance with the provisions of section 203 of the Federal Land Policy and Management Act of 1976 and other applicable law.

(c) SUBSTITUTION OF LANDS.—If one or more of the precise offered land parcels identified above is unable to be conveyed to the United States due to appraisal or other problems, Lake Gulch and the Secretary may mutually agree to substitute therefor alternative offered lands acceptable to the Secretary.

(d) CONVEYANCE BY THE UNITED STATES.—(1) Upon receipt of title to the lands identified in subsection (a) the Secretary shall simultaneously convey to Lake Gulch all right, title, and interest of the United States, subject to valid existing rights, in and to the following selected lands—

(A) certain surveyed lands located in Gilpin County, Colorado, Township 3 South, Range 72 West, Sixth Principal Meridian, Section 18, Lots 118-220, which comprise approximately 195 acres and are intended to include all federally owned lands in section 18, as generally depicted on a map entitled "Lake Gulch Selected Lands", dated July 1994;

(B) certain surveyed lands located in Gilpin County, Colorado, Township 3 South, Range 72 West, Sixth Principal Meridian, Section 17, Lots 37, 38, 39, 40, 52, 53, and 54, which comprise approximately 96 acres, as generally depicted on a map entitled "Lake Gulch Selected Lands", dated July 1994; and

(C) certain unsurveyed lands located in Gilpin County, Colorado, Township 3 South, Range 73 West, Sixth Principal Meridian, Section 13, which comprise approximately 11 acres, and are generally depicted as parcels 302-304, 306 and 308-326 on a map entitled "Lake Gulch Selected Lands", dated July 1994: *Provided, however*, That a parcel or parcels of land

in section 13 shall not be transferred to Lake Gulch if at the time of the proposed transfer the parcel or parcels are under formal application for transfer to a qualified unit of local government. Due to the small and unsurveyed nature of such parcels proposed for transfer to Lake Gulch in section 13, and the high cost of surveying such small parcels, the Secretary is authorized to transfer such section 13 lands to Lake Gulch without survey based on such legal or other description as the Secretary determines appropriate to carry out the basic intent of the map cited in this subparagraph.

(2) If the Secretary and Lake Gulch mutually agree, and the Secretary determines it is in the public interest, the Secretary may utilize the authority and direction of this Act to transfer to Lake Gulch lands in sections 17 and 13 that are in addition to those precise selected lands shown on the map cited herein, and which are not under formal application for transfer to a qualified unit of local government, upon transfer to the Secretary of additional offered lands acceptable to the Secretary or upon payment to the Secretary by Lake Gulch of cash equalization money amounting to the full appraised fair market value of any such additional lands. If any such additional lands are located in section 13 they may be transferred to Lake Gulch without survey based on such legal or other description as the Secretary determines appropriate as long as the Secretary determines that the boundaries of any adjacent lands not owned by Lake Gulch can be properly identified so as to avoid possible future boundary conflicts or disputes. If the Secretary determines surveys are necessary to convey any such additional lands to Lake Gulch, the costs of such surveys shall be paid by Lake Gulch but shall not be eligible for any adjustment in the value of such additional lands pursuant to section 206(f)(2) of the Federal Land Policy and Management Act of 1976 (as amended by the Federal Land Exchange Facilitation Act of 1988) (43 U.S.C. 1716(f)(2)).

Notification.

(3) Prior to transferring out of public ownership pursuant to this Act or other authority of law any lands which are contiguous to North Clear Creek southeast of the City of Black Hawk, Colorado in the County of Gilpin, Colorado, the Secretary shall notify and consult with the County and City and afford such units of local government an opportunity to acquire or reserve pursuant to the Federal Land Policy and Management Act of 1976 or other applicable law, such easements or rights-of-way parallel to North Clear Creek as may be necessary to serve public utility line or recreation path needs: *Provided, however,* That any survey or other costs associated with the acquisition or reservation of such easements or rights-of-way shall be paid for by the unit or units of local government concerned.

### SEC. 3. TERMS AND CONDITIONS OF EXCHANGE.

(a) EQUALIZATION OF VALUES.—(1) The values of the lands to be exchanged pursuant to this Act shall be equal as determined by the Secretary of the Interior utilizing comparable sales of surface and subsurface property and nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Standards for Federal Land Acquisition, the Uniform Standards of Professional Appraisal Practice, the provisions of section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)), and other applicable law.

(2) In the event any cash equalization or land sale moneys are received by the United States pursuant to this Act, any such moneys shall be retained by the Secretary of the Interior and may be utilized by the Secretary until fully expended to purchase from willing sellers land or water rights, or a combination thereof, to augment wildlife habitat and protect and restore wetlands in the Bureau of Land Management's Blanca Wetlands, Alamosa County, Colorado.

(3) Any water rights acquired by the United States pursuant to this section shall be obtained by the Secretary of the Interior in accordance with all applicable provisions of Colorado law, including the requirement to change the time, place, and type of use of said water rights through the appropriate State legal proceedings and to comply with any terms, conditions, or other provisions contained in an applicable decree of the Colorado Water Court. The use of any water rights acquired pursuant to this section shall be limited to water that can be used or exchanged for water that can be used on the Blanca Wetlands. Any requirement or proposal to utilize facilities of the San Luis Valley Project, Closed Basin Diversion, in order to effectuate the use of any such water rights shall be subject to prior approval of the Rio Grande Water Conservation District.

(b) RESTRICTIONS ON SELECTED LANDS.—(1) Conveyance of the selected lands to Lake Gulch pursuant to this Act shall be contingent upon Lake Gulch executing an agreement with the United States prior to such conveyance, the terms of which are acceptable to the Secretary of the Interior, and which—

(A) grant the United States a covenant that none of the selected lands (which currently lie outside the legally approved gaming area) shall ever be used for purposes of gaming should the current legal gaming area ever be expanded by the State of Colorado; and

(B) permanently hold the United States harmless for liability and indemnify the United States against all costs arising from any activities, operations (including the storing, handling, and dumping of hazardous materials or substances) or other acts conducted by Lake Gulch or its employees, agents, successors or assigns on the selected lands after their transfer to Lake Gulch: *Provided, however*, That nothing in this Act shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of the selected lands prior to or on the date of their transfer to Lake Gulch.

(2) Conveyance of the selected lands to Lake Gulch pursuant to this Act shall be subject to the existing easement for Gilpin County Road 6.

(3) The above terms and restrictions of this subsection shall not be considered in determining, or result in any diminution in, the fair market value of the selected land for purposes of the appraisals of the selected land required pursuant to section 3 of this Act.

(c) REVOCATION OF WITHDRAWAL.—The Public Water Reserve established by Executive order dated April 17, 1926 (Public Water Reserve 107), Serial Number Colorado 17321, is hereby revoked insofar as it affects the NW¼ SW¼ of Section 17, Township 3 South, Range 72 West, Sixth Principal Meridian, which covers a portion of the selected lands identified in this Act.

**SEC. 4. MISCELLANEOUS PROVISIONS.**

(a) **DEFINITIONS.**—As used in this Act:

(1) The term “Secretary” means the Secretary of the Interior.

(2) The term “Lake Gulch” means Lake Gulch, Inc., a Colorado corporation, or its successors, heirs or assigns.

(3) The term “offered land” means lands to be conveyed to the United States pursuant to this Act.

(4) The term “selected land” means lands to be transferred to Lake Gulch, Inc., or its successors, heirs or assigns pursuant to this Act.

(5) The term “Blanca Wetlands” means an area of land comprising approximately 9,290 acres, as generally depicted on a map entitled “Blanca Wetlands”, dated August 1994, or such land as the Secretary may add thereto by purchase from willing sellers after the date of enactment of this Act utilizing funds provided by this Act or such other moneys as Congress may appropriate.

(b) **TIME REQUIREMENT FOR COMPLETING TRANSFER.**—It is the intent of Congress that unless the Secretary and Lake Gulch mutually agree otherwise the exchange of lands authorized and directed by this Act shall be completed not later than 6 months after the date of enactment of this Act. In the event the exchange cannot be consummated within such 6-month-time period, the Secretary, upon application by Lake Gulch, is directed to sell to Lake Gulch at appraised fair market value any or all of the parcels (comprising a total of approximately 11 acres) identified in section 2(d)(1)(C) of this Act as long as the parcel or parcels applied for are not under formal application for transfer to a qualified unit of local government.

(c) **ADMINISTRATION OF LANDS ACQUIRED BY UNITED STATES.**—In accordance with the provisions of section 206(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(c)), all lands acquired by the United States pursuant to this Act shall upon acceptance of title by the United States and without further action by the Secretary concerned become part of and be managed as part of the administrative unit or area within which they are located.

Approved July 9, 1996.

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**LEGISLATIVE HISTORY—H.R. 2437:**

HOUSE REPORTS: No. 104-305 (Comm. on Resources).

SENATE REPORTS: No. 104-196 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): Nov. 7, considered and passed House.

Vol. 142 (1996): June 26, considered and passed Senate.

Public Law 104-159  
104th Congress

An Act

To provide that the United States Post Office building that is to be located at 7436 South Exchange Avenue, Chicago, Illinois, shall be known and designated as the "Charles A. Hayes Post Office Building".

July 9, 1996  
[H.R. 2704]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The United States Post Office building that is to be located at 7436 South Exchange Avenue, Chicago, Illinois, shall be known and designated as the "Charles A. Hayes Post Office Building".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the "Charles A. Hayes Post Office Building".

Approved July 9, 1996.

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**LEGISLATIVE HISTORY—H.R. 2704:**

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): Dec. 19, considered and passed House.

Vol. 142 (1996): June 27, considered and passed Senate.

Public Law 104-160  
104th Congress

An Act

July 9, 1996

[H.R. 3364]

To designate the Federal building and United States courthouse located at 235 North Washington Avenue in Scranton, Pennsylvania, as the "William J. Nealon Federal Building and United States Courthouse".

**SECTION 1. DESIGNATION.**

The Federal building and United States courthouse located at 235 North Washington Avenue in Scranton, Pennsylvania, shall be known and designated as the "William J. Nealon Federal Building and United States Courthouse".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "William J. Nealon Federal Building and United States Courthouse".

Approved July 9, 1996.

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**LEGISLATIVE HISTORY—H.R. 3364:**

HOUSE REPORTS: No. 104-611 (Comm. on Transportation and Infrastructure).  
CONGRESSIONAL RECORD, Vol. 142 (1996):

June 10, considered and passed House.  
June 27, considered and passed Senate.

Public Law 104-161  
104th Congress

An Act

To provide for the distribution within the United States of the United States Information Agency film entitled "Fragile Ring of Life".

July 18, 1996

[H.R. 2070]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DISTRIBUTION WITHIN THE UNITED STATES OF UNITED STATES INFORMATION AGENCY FILM ENTITLED "FRAGILE RING OF LIFE".**

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1(a)) and the second sentence of section 501 of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Archivist of the United States a master copy of the film entitled "Fragile Ring of Life"; and

(2) upon evidence that necessary United States rights and licenses have been secured and paid for by the person seeking domestic release of the film, the Archivist shall—

(A) reimburse the Director for any expenses of the Agency in making that master copy available;

(B) deposit that film in the National Archives of the United States; and

(C) make copies of that film available for purchase and public viewing within the United States.

Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

Historic  
preservation.

Approved July 18, 1996.

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**LEGISLATIVE HISTORY—H.R. 2070:**

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): Oct. 17, considered and passed House.

Vol. 142 (1996): June 28, considered and passed Senate.

Public Law 104-162  
104th Congress

An Act

July 18, 1996  
[H.R. 2853]

To authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria.

Exports and  
imports.  
19 USC 2434  
note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONGRESSIONAL FINDINGS AND SUPPLEMENTAL ACTION.**

(a) CONGRESSIONAL FINDINGS.—The Congress finds that Bulgaria—

(1) has received most-favored-nation treatment since 1991 and has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 since 1993;

(2) has reversed many years of Communist dictatorship and instituted a constitutional republic ruled by a democratically elected government as well as basic market-oriented reforms, including privatization;

(3) is in the process of acceding to the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO), and extension of unconditional most-favored-nation treatment would enable the United States to avail itself of all rights under the GATT and the WTO with respect to Bulgaria; and

(4) has demonstrated a strong desire to build friendly relationships and to cooperate fully with the United States on trade matters.

(b) SUPPLEMENTAL ACTION.—The Congress notes that the United States Trade Representative intends to negotiate with Bulgaria in order to preserve the commitments of that country under the bilateral commercial agreement in effect between that country and the United States that are consistent with the GATT and the WTO.

**SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE  
ACT OF 1974 TO BULGARIA.**19 USC 2434  
note.

(a) **PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NON-DISCRIMINATORY TREATMENT.**—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Bulgaria; and

(2) after making a determination under paragraph (1) with respect to Bulgaria, proclaim the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of that country.

(b) **TERMINATION OF APPLICATION OF TITLE IV.**—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Bulgaria, title IV of the Trade Act of 1974 shall cease to apply to that country.

Approved July 18, 1996.

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**LEGISLATIVE HISTORY—H.R. 2853:**

HOUSE REPORTS: No. 104-466 (Comm. on Ways and Means).

SENATE REPORTS: No. 104-265 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Mar. 5, considered and passed House.

June 28, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

July 18, Presidential statement.

Public Law 104-163  
104th Congress

An Act

July 19, 1996  
[H.R. 1508]

National  
Children's Island  
Act of 1995.

To require the transfer of title to the District of Columbia of certain real property in Anacostia Park to facilitate the construction of National Children's Island, a cultural, educational, and family-oriented park.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "National Children's Island Act of 1995".

**SEC. 2. DEFINITIONS.**

For the purposes of this Act:

(1) The term "plat" means the plat filed in the Office of the Surveyor of the District of Columbia under S.O. 92-252.

(2) The term "District" means the District of Columbia.

(3) The term "Islands" means Heritage Island and all of that portion of Kingman Island located south of Benning Road and within the District of Columbia and the Anacostia River, being a portion of United States Reservation 343, Section F, as specified and legally described on the Survey.

(4) The term "National Children's Island" means a cultural, educational, and family-oriented recreation park, together with a children's playground, to be developed and operated in accordance with the Children's Island Development Plan Act of 1993, D.C. Act 10-110.

(5) The term "playground" means the children's playground that is part of National Children's Island and includes all lands on the Islands located south of East Capitol Street.

(6) The term "recreation park" means the cultural, educational, and family-oriented recreation park that is part of National Children's Island.

(7) The term "Secretary" means the Secretary of the Interior.

(8) The term "Survey" means the ALTA/ACSM Land Title Survey prepared by Dewberry & Davis and dated February 12, 1994.

**SEC. 3. PROPERTY TRANSFER.**

(a) **TRANSFER OF TITLE.**—In order to facilitate the construction, development, and operation of National Children's Island, the Secretary shall, not later than six months after the date of enactment of this Act and subject to this Act, transfer by quitclaim deed, without consideration, to the District all right, title, and interest

of the United States in and to the Islands. Unbudgeted actual costs incurred by the Secretary for such transfer shall be borne by the District. The District may seek reimbursement from any third party for such costs.

(b) GRANT OF EASEMENTS.—(1) The Secretary shall, not later than six months after the date of enactment of this Act, grant, without consideration, to the District, permanent easements across the waterways and bed of the Anacostia River as described in the Survey as Leased Riverbed Areas A, B, C, and D, and across the shoreline of the Anacostia River as depicted on the plat map recorded in the Office of the Surveyor of the District as S.O. 92-252.

(2) Easements granted under paragraph (1) shall run with the land and shall be for the purposes of—

(A) constructing, reconstructing, maintaining, operating, and otherwise using only such bridges, roads, and other improvements as are necessary or desirable for vehicular and pedestrian egress and ingress to and from the Islands and which satisfy the District Building Code and applicable safety requirements;

(B) installing, reinstalling, maintaining, and operating utility transmission corridors, including (but not limited to) all necessary electricity, water, sewer, gas, necessary or desirable for the construction, reconstruction, maintenance, and operation of the Islands and any and all improvements located thereon from time to time; and

(C) constructing, reconstructing, maintaining, operating, and otherwise providing necessary informational kiosk, ticketing booth, and security for the Islands.

(3) Easements granted under paragraph (1) shall be assignable by the District to any lessee, sublessee, or operator, or any combination thereof, of the Islands.

(c) DEVELOPMENT.—The development of National Children's Island shall proceed as specified in paragraph 3 of the legend on the plat or as otherwise authorized by the District by agreement, lease, resolution, appropriate executive action, or otherwise.

(d) REVERSION.—(1) The transfer under subsection (a) and the grant of easements under subsection (b) shall be subject to the condition that the Islands only be used for the purposes of National Children's Island. Title in the property transferred under subsection (a) and the easements granted under subsection (b), shall revert to the United States 60 days after the date on which the Secretary provides written notice of the reversion to the District based on the Secretary's determination, which shall be made in accordance with chapter 5 of title 5, United States Code (relating to administrative procedures), that one of the following has occurred:

(A) Failure to commence improvements in the recreational park within the earlier of—

(i) three years after building permits are obtained for construction of such improvements; or

(ii) four years after title has been transferred, as provided in subsection (a).

(B) Failure to commence operation of the recreation park within the earlier of—

(i) five years after building permits are obtained for construction of such improvements; or

(ii) seven years after title has been transferred, as provided in subsection (a).

(C) After completion of construction and commencement of operation, the abandonment or non-use of the recreation park for a period of two years.

(D) After completion of construction and commencement of operation, conversion of the Islands to a use other than that specified in this Act or conversion to a parking use not in accordance with section 4(b).

(2) The periods referred to in paragraph (1) shall be extended during the pendency of any lawsuit which seeks to enjoin the development or operation of National Children's Island or the administrative process leading to such development or operation.

(3) Following any reconveyance or reversion to the National Park Service, any and all claims and judgments arising during the period the District holds title to the Islands, the playground, and premises shall remain the responsibility of the District, and such reconveyance or reversion shall extinguish any and all leases, rights or privileges to the Islands and the playground granted by the District.

(4) The District shall require any nongovernmental entity authorized to construct, develop, and operate National Children's Island to establish an escrow fund, post a surety bond, provide a letter of credit or otherwise provide such security for the benefit of the National Park Service, substantially equivalent to that specified in paragraph 11 of the legend on the plat, to serve as the sole source of funding for restoration of the recreation park to a condition suitable for National Park Service purposes (namely, the removal of all buildings and grading, seeding and landscaping of the recreation park) upon reversion of the property. If, on the date which is two years from the date of reversion of the property, the National Park Service has not commenced restoration or is not diligently proceeding with such restoration, any amount in the escrow fund shall be distributed to such nongovernmental entity.

#### **SEC. 4. PROVISIONS RELATING TO LANDS TRANSFERRED AND EASEMENTS GRANTED.**

(a) **PLAYGROUND.**—Operation of the recreation park may only commence simultaneously with or subsequent to improvement and opening of a children's playground at National Children's Island that is available to the public free of charge. The playground shall only include those improvements traditionally or ordinarily included in a publicly maintained children's playground. Operation of the recreation park is at all times dependent on the continued maintenance of the children's playground.

(b) **PUBLIC PARKING.**—Public parking on the Islands is prohibited, except for handicapped parking, emergency and government vehicles, and parking related to constructing, and servicing National Children's Island.

(c) **REQUIRED APPROVALS.**—Before construction commences, the final design plans for the recreation park and playground, and all related structures, including bridges and roads, are subject to the review and approval of the National Capital Planning Commission and of the District of Columbia in accordance with the Children's Island Development Plan Act of 1993 (D.C. Act 10-110). The District of Columbia shall carry out its review of

this project in full compliance with all applicable provisions of the National Environmental Policy Act of 1969.

**SEC. 5. EFFECT OF PROPERTY TRANSFER.**

(a) **EFFECT OF PROPERTY TRANSFER.**—Upon the transfer of the Islands to the District pursuant to this Act:

(1) The Transfer of Jurisdiction concerning the Islands from the National Park Service to the District dated February 1993, as set out on the plat map recorded in the Office of the Surveyor of the District as S.O. 92-252 and as approved by the Council of the District by Resolution 10-91, shall become null and void and of no further force and effect, except for the references in this Act to paragraphs 3 and 11 of the legend on the plat.

(2) The Islands shall no longer be considered to be part of Anacostia Park and shall not be considered to be within the park system of the District; therefore, the provisions of section 2 of the Act entitled “An Act to vest in the Commissioners of the District of Columbia control of street parking in said District”, approved July 1, 1898 (ch. 543, 30 Stat. 570; D.C. Code 8-104), shall not apply to the Islands, and the District shall have exclusive charge and control over the Islands and easements transferred.

(3) The Islands shall cease to be a reservation, park, or public grounds of the United States for the purposes of the Act of August 24, 1912 (ch. 355, 37 Stat. 444; 40 U.S.C. 68; 8-128 D.C. Code).

(b) **USE OF CERTAIN LANDS FOR PARKING AND OTHER PURPOSES.**—Notwithstanding any other provision of law, the District is hereby authorized to grant via appropriate instrument to a non-governmental individual or entity any and all of its rights to use the lands currently being leased by the United States to the District pursuant to the District of Columbia Stadium Act of 1957 (Public Law 85-300, September 7, 1957, 71 Stat. 619) for parking facilities (and necessary informational kiosk, ticketing booth, and security) as the Mayor of the District in his discretion may determine necessary or appropriate in connection with or in support of National Children’s Island.

**SEC. 6. SAVINGS PROVISIONS.**

No provision of this Act shall be construed—

(1) as an express or implied endorsement or approval by the Congress of any such construction, development, or operation of National Children's Island;

(2) except as provided in section 5, to exempt the recreational park and playground from the laws of the United States or the District, including laws relating to the environment, health, and safety; or

(3) to prevent additional conditions on the National Children's Island development or operation to mitigate adverse impacts on adjacent residential neighborhoods and park lands and the Anacostia River.

Approved July 19, 1996.

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**LEGISLATIVE HISTORY—H.R. 1508:**

HOUSE REPORTS: No. 104-277, Pt. 1 (Comm. on Resources).

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): Oct. 30, considered and passed House.

Vol. 142 (1996): June 28, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):  
July 19, Presidential statement.

Public Law 104-164  
104th Congress

An Act

To amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

July 21, 1996

[H.R. 3121]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Table of contents.

TITLE I—DEFENSE AND SECURITY ASSISTANCE

CHAPTER 1—MILITARY AND RELATED ASSISTANCE

- Sec. 101. Terms of loans under the Foreign Military Financing program.
- Sec. 102. Additional requirements under the Foreign Military Financing program.
- Sec. 103. Drawdown special authorities.
- Sec. 104. Transfer of excess defense articles.
- Sec. 105. Excess defense articles for certain European countries.

CHAPTER 2—INTERNATIONAL MILITARY EDUCATION AND TRAINING

- Sec. 111. Assistance for Indonesia.
- Sec. 112. Additional requirements.

CHAPTER 3—ANTITERRORISM ASSISTANCE

- Sec. 121. Antiterrorism training assistance.
- Sec. 122. Research and development expenses.

CHAPTER 4—INTERNATIONAL NARCOTICS CONTROL ASSISTANCE

- Sec. 131. Additional requirements.
- Sec. 132. Notification requirement.
- Sec. 133. Waiver of restrictions for narcotics-related economic assistance.

CHAPTER 5—OTHER PROVISIONS

- Sec. 141. Standardization of congressional review procedures for arms transfers.
- Sec. 142. Standardization of third country transfers of defense articles.
- Sec. 143. Increased standardization, rationalization, and interoperability of assistance and sales programs.
- Sec. 144. Definition of significant military equipment.
- Sec. 145. Elimination of annual reporting requirement relating to the Special Defense Acquisition Fund.
- Sec. 146. Cost of leased defense articles that have been lost or destroyed.
- Sec. 147. Designation of major non-NATO allies.
- Sec. 148. Annual military assistance report.
- Sec. 149. Depleted uranium ammunition.
- Sec. 150. End-use monitoring of defense articles and defense services.
- Sec. 151. Brokering activities relating to commercial sales of defense articles and services.
- Sec. 152. Return and exchanges of defense articles previously transferred pursuant to the Arms Export Control Act.
- Sec. 153. National security interest determination to waive reimbursement of depreciation for leased defense articles.

- Sec. 154. Eligibility of Panama under the Arms Export Control Act.
- Sec. 155. Publication of arms sales certifications.
- Sec. 156. Release of information.
- Sec. 157. Repeal of termination of provisions of the Nuclear Proliferation Prevention Act of 1994; Presidential determinations.

#### TITLE II—TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

- Sec. 201. Authority to transfer naval vessels.
- Sec. 202. Costs of transfers.
- Sec. 203. Expiration of authority.
- Sec. 204. Repair and refurbishment of vessels in United States shipyards.

### TITLE I—DEFENSE AND SECURITY ASSISTANCE

#### CHAPTER 1—MILITARY AND RELATED ASSISTANCE

##### SEC. 101. TERMS OF LOANS UNDER THE FOREIGN MILITARY FINANCING PROGRAM.

Section 31(c) of the Arms Export Control Act (22 U.S.C. 2771(c)) is amended to read as follows:

“(c) Loans available under section 23 shall be provided at rates of interest that are not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities.”.

##### SEC. 102. ADDITIONAL REQUIREMENTS UNDER THE FOREIGN MILITARY FINANCING PROGRAM.

(a) AUDIT OF CERTAIN PRIVATE FIRMS.—Section 23 of the Arms Export Control Act (22 U.S.C. 2763) is amended by adding at the end the following new subsection:

“(f) For each fiscal year, the Secretary of Defense, as requested by the Director of the Defense Security Assistance Agency, shall conduct audits on a nonreimbursable basis of private firms that have entered into contracts with foreign governments under which defense articles, defense services, or design and construction services are to be procured by such firms for such governments from financing under this section.”.

(b) NOTIFICATION REQUIREMENT WITH RESPECT TO CASH FLOW FINANCING.—Section 23 of such Act (22 U.S.C. 2763), as amended by this Act, is further amended by adding at the end the following new subsection:

“(g)(1) For each country and international organization that has been approved for cash flow financing under this section, any letter of offer and acceptance or other purchase agreement, or any amendment thereto, for a procurement of defense articles, defense services, or design and construction services in excess of \$100,000,000 that is to be financed in whole or in part with funds made available under this Act or the Foreign Assistance Act of 1961 shall be submitted to the congressional committees specified in section 634A(a) of the Foreign Assistance Act of 1961 in accordance with the procedures applicable to reprogramming notifications under that section.

“(2) For purposes of this subsection, the term ‘cash flow financing’ has the meaning given such term in subsection (d) of section 25, as added by section 112(b) of Public Law 99-83.”.

(c) LIMITATIONS ON USE OF FUNDS FOR DIRECT COMMERCIAL CONTRACTS.—Section 23 of such Act (22 U.S.C. 2763), as amended

by this Act, is further amended by adding at the end the following new subsection:

“(h) Of the amounts made available for a fiscal year to carry out this section, not more than \$100,000,000 for such fiscal year may be made available for countries other than Israel and Egypt for the purpose of financing the procurement of defense articles, defense services, and design and construction services that are not sold by the United States Government under this Act.”.

(d) ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM.—Section 25(a) of such Act (22 U.S.C. 2765(a)) is amended—

(1) by striking the “and” at the end of paragraph (11);

(2) by redesignating paragraph (12) as paragraph (13);

and

(3) by inserting after paragraph (11) the following:

“(12)(A) a detailed accounting of all articles, services, credits, guarantees, or any other form of assistance furnished by the United States to each country and international organization, including payments to the United Nations, during the preceding fiscal year for the detection and clearance of landmines, including activities relating to the furnishing of education, training, and technical assistance for the detection and clearance of landmines; and

“(B) for each provision of law making funds available or authorizing appropriations for demining activities described in subparagraph (A), an analysis and description of the objectives and activities undertaken during the preceding fiscal year, including the number of personnel involved in performing such activities; and”.

#### SEC. 103. DRAWDOWN SPECIAL AUTHORITIES.

(a) UNFORESEEN EMERGENCY DRAWDOWN.—Section 506(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1)) is amended by striking “\$75,000,000” and inserting “\$100,000,000”.

(b) ADDITIONAL DRAWDOWN.—Section 506 of such Act (22 U.S.C. 2318) is amended—

(1) in subsection (a)(2)(A), by striking “defense articles from the stocks” and all that follows and inserting the following: “articles and services from the inventory and resources of any agency of the United States Government and military education and training from the Department of Defense, the President may direct the drawdown of such articles, services, and military education and training—

“(i) for the purposes and under the authorities of—

“(I) chapter 8 of part I (relating to international narcotics control assistance);

“(II) chapter 9 of part I (relating to international disaster assistance); or

“(III) the Migration and Refugee Assistance Act of 1962; or

“(ii) for the purpose of providing such articles, services, and military education and training to Vietnam, Cambodia, and Laos as the President determines are necessary—

“(I) to support cooperative efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States Government who remain unaccounted for from the Vietnam War; and

“(II) to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support Department of Defense-sponsored humanitarian projects associated with such efforts.”;

(2) in subsection (a)(2)(B), by striking “\$75,000,000” and all that follows and inserting “\$150,000,000 in any fiscal year of such articles, services, and military education and training may be provided pursuant to subparagraph (A) of this paragraph—

“(i) not more than \$75,000,000 of which may be provided from the drawdown from the inventory and resources of the Department of Defense;

“(ii) not more than \$75,000,000 of which may be provided pursuant to clause (i)(I) of such subparagraph; and

“(iii) not more than \$15,000,000 of which may be provided to Vietnam, Cambodia, and Laos pursuant to clause (ii) of such subparagraph.”; and

(3) in subsection (b)(1), by adding at the end the following: “In the case of drawdowns authorized by subclauses (I) and (III) of subsection (a)(2)(A)(i), notifications shall be provided to those committees at least 15 days in advance of the drawdowns in accordance with the procedures applicable to reprogramming notifications under section 634A.”.

(c) NOTICE TO CONGRESS OF EXERCISE OF SPECIAL AUTHORITIES.—Section 652 of such Act (22 U.S.C. 2411) is amended by striking “prior to the date” and inserting “before”.

#### **SEC. 104. TRANSFER OF EXCESS DEFENSE ARTICLES.**

(a) IN GENERAL.—Section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) is amended to read as follows:

##### **“SEC. 516. AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.**

“(a) AUTHORIZATION.—The President is authorized to transfer excess defense articles under this section to countries for which receipt of such articles was justified pursuant to the annual congressional presentation documents for military assistance programs, or for programs under chapter 8 of part I of this Act, submitted under section 634 of this Act, or for which receipt of such articles was separately justified to the Congress, for the fiscal year in which the transfer is authorized.

“(b) LIMITATIONS ON TRANSFERS.—(1) The President may transfer excess defense articles under this section only if—

“(A) such articles are drawn from existing stocks of the Department of Defense;

“(B) funds available to the Department of Defense for the procurement of defense equipment are not expended in connection with the transfer;

“(C) the transfer of such articles will not have an adverse impact on the military readiness of the United States;

“(D) with respect to a proposed transfer of such articles on a grant basis, such a transfer is preferable to a transfer on a sales basis, after taking into account the potential proceeds from, and likelihood of, such sales, and the comparative foreign policy benefits that may accrue to the United States as the result of a transfer on either a grant or sales basis;

“(E) the President determines that the transfer of such articles will not have an adverse impact on the national technology and industrial base and, particularly, will not reduce

the opportunities of entities in the national technology and industrial base to sell new or used equipment to the countries to which such articles are transferred; and

“(F) the transfer of such articles is consistent with the policy framework for the Eastern Mediterranean established under section 620C of this Act.

“(2) Accordingly, for the four-year period beginning on October 1, 1996, the President shall ensure that excess defense articles offered to Greece and Turkey under this section will be made available consistent with the manner in which the President made available such excess defense articles during the four-year period that began on October 1, 1992, pursuant to section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990.

Effective date.  
President.

“(c) TERMS OF TRANSFERS.—

“(1) NO COST TO RECIPIENT COUNTRY.—Excess defense articles may be transferred under this section without cost to the recipient country.

“(2) PRIORITY.—Notwithstanding any other provision of law, the delivery of excess defense articles under this section to member countries of the North Atlantic Treaty Organization (NATO) on the southern and southeastern flank of NATO and to major non-NATO allies on such southern and southeastern flank shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to other countries.

“(d) WAIVER OF REQUIREMENT FOR REIMBURSEMENT OF DEPARTMENT OF DEFENSE EXPENSES.—Section 632(d) shall not apply with respect to transfers of excess defense articles (including transportation and related costs) under this section.

“(e) TRANSPORTATION AND RELATED COSTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), funds available to the Department of Defense may not be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of this section.

“(2) EXCEPTION.—The President may provide for the transportation of excess defense articles without charge to a country for the costs of such transportation if—

“(A) it is determined that it is in the national interest of the United States to do so;

“(B) the recipient is a developing country receiving less than \$10,000,000 of assistance under chapter 5 of this part of this Act (relating to international military education and training) or section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program) in the fiscal year in which the transportation is provided;

“(C) the total weight of the transfer does not exceed 25,000 pounds; and

“(D) such transportation is accomplished on a space available basis.

“(f) ADVANCE NOTIFICATION TO CONGRESS FOR TRANSFER OF CERTAIN EXCESS DEFENSE ARTICLES.—

“(1) IN GENERAL.—The President may not transfer excess defense articles that are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or

excess defense articles valued (in terms of original acquisition cost) at \$7,000,000 or more, under this section or under the Arms Export Control Act (22 U.S.C. 2751 et seq.) until 30 days after the date on which the President has provided notice of the proposed transfer to the congressional committees specified in section 634A(a) in accordance with procedures applicable to reprogramming notifications under that section.

“(2) CONTENTS.—Such notification shall include—

“(A) a statement outlining the purposes for which the article is being provided to the country, including whether such article has been previously provided to such country;

“(B) an assessment of the impact of the transfer on the military readiness of the United States;

“(C) an assessment of the impact of the transfer on the national technology and industrial base and, particularly, the impact on opportunities of entities in the national technology and industrial base to sell new or used equipment to the countries to which such articles are to be transferred; and

“(D) a statement describing the current value of such article and the value of such article at acquisition.

“(g) AGGREGATE ANNUAL LIMITATION.—

“(1) IN GENERAL.—The aggregate value of excess defense articles transferred to countries under this section in any fiscal year may not exceed \$350,000,000.

“(2) EFFECTIVE DATE.—The limitation contained in paragraph (1) shall apply only with respect to fiscal years beginning after fiscal year 1996.

“(h) CONGRESSIONAL PRESENTATION DOCUMENTS.—Documents described in subsection (a) justifying the transfer of excess defense articles shall include an explanation of the general purposes of providing excess defense articles as well as a table which provides an aggregate annual total of transfers of excess defense articles in the preceding year by country in terms of offers and actual deliveries and in terms of acquisition cost and current value. Such table shall indicate whether such excess defense articles were provided on a grant or sale basis.

“(i) EXCESS COAST GUARD PROPERTY.—For purposes of this section, the term ‘excess defense articles’ shall be deemed to include excess property of the Coast Guard, and the term ‘Department of Defense’ shall be deemed, with respect to such excess property, to include the Coast Guard.”

(b) CONFORMING AMENDMENTS.—

(1) ARMS EXPORT CONTROL ACT.—Section 21(k) of the Arms Export Control Act (22 U.S.C. 2761(k)) is amended by striking “the President shall” and all that follows and inserting the following: “the President shall determine that the sale of such articles will not have an adverse impact on the national technology and industrial base and, particularly, will not reduce the opportunities of entities in the national technology and industrial base to sell new or used equipment to the countries to which such articles are transferred.”

(2) REPEALS.—The following provisions of law are hereby repealed:

(A) Section 502A of the Foreign Assistance Act of 1961 (22 U.S.C. 2303).

President.

(B) Sections 517 through 520 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k through 2321n).

(C) Section 31(d) of the Arms Export Control Act (22 U.S.C. 2771(d)).

**SEC. 105. EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES.**

Notwithstanding section 516(e) of the Foreign Assistance Act of 1961, as added by this Act, during each of the fiscal years 1996 and 1997, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to countries that are eligible to participate in the Partnership for Peace and that are eligible for assistance under the Support for East European Democracy (SEED) Act of 1989.

**CHAPTER 2—INTERNATIONAL MILITARY EDUCATION AND TRAINING**

**SEC. 111. ASSISTANCE FOR INDONESIA.**

Funds made available for fiscal years 1996 and 1997 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) may be obligated for Indonesia only for expanded military and education training that meets the requirements of clauses (i) through (iv) of the second sentence of section 541 of such Act (22 U.S.C. 2347).

**SEC. 112. ADDITIONAL REQUIREMENTS.**

(a) **GENERAL AUTHORITY.**—Section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347) is amended in the second sentence in the matter preceding clause (i) by inserting “and individuals who are not members of the government” after “legislators”.

(b) **EXCHANGE TRAINING.**—Section 544 of such Act (22 U.S.C. 2347c) is amended—

(1) by striking “In carrying out this chapter” and inserting “(a) In carrying out this chapter”; and

(2) by adding at the end the following new subsection:

“(b) The President may provide for the attendance of foreign military and civilian defense personnel at flight training schools and programs (including test pilot schools) in the United States without charge, and without charge to funds available to carry out this chapter (notwithstanding section 632(d) of this Act), if such attendance is pursuant to an agreement providing for the exchange of students on a one-for-one basis each fiscal year between those United States flight training schools and programs (including test pilot schools) and comparable flight training schools and programs of foreign countries.”.

(c) **ASSISTANCE FOR CERTAIN HIGH-INCOME FOREIGN COUNTRIES.**—

(1) **AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961.**—

Chapter 5 of part II of such Act (22 U.S.C. 2347 et seq.) is amended by adding at the end the following new section:

**“SEC. 546. PROHIBITION ON GRANT ASSISTANCE FOR CERTAIN HIGH INCOME FOREIGN COUNTRIES.**

22 USC 2347c.

“(a) **IN GENERAL.**—None of the funds made available for a fiscal year for assistance under this chapter may be made available for assistance on a grant basis for any of the high-income foreign

countries described in subsection (b) for military education and training of military and related civilian personnel of such country.

“(b) HIGH-INCOME FOREIGN COUNTRIES DESCRIBED.—The high-income foreign countries described in this subsection are Austria, Finland, the Republic of Korea, Singapore, and Spain.”

(2) AMENDMENT TO THE ARMS EXPORT CONTROL ACT.—Section 21(a)(1)(C) of the Arms Export Control Act (22 U.S.C. 2761(a)(1)(C)) is amended by inserting “or to any high-income foreign country (as described in that chapter)” after “Foreign Assistance Act of 1961”.

### CHAPTER 3—ANTITERRORISM ASSISTANCE

#### SEC. 121. ANTITERRORISM TRAINING ASSISTANCE.

(a) IN GENERAL.—Section 571 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa) is amended by striking “Subject to the provisions of this chapter” and inserting “Notwithstanding any other provision of law that restricts assistance to foreign countries (other than sections 502B and 620A of this Act)”.

(b) LIMITATIONS.—Section 573 of such Act (22 U.S.C. 2349aa-2) is amended—

- (1) in the heading, by striking “SPECIFIC AUTHORITIES AND”;
- (2) by striking subsection (a);
- (3) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively; and
- (4) in subsection (c) (as redesignated)—

(A) by striking paragraphs (1) and (2);

(B) by redesignating paragraphs (3) through (5) as paragraphs (1) through (3), respectively; and

(C) by amending paragraph (2) (as redesignated) to read as follows:

“(2)(A) Except as provided in subparagraph (B), funds made available to carry out this chapter shall not be made available for the procurement of weapons and ammunition.

“(B) Subparagraph (A) shall not apply to small arms and ammunition in categories I and III of the United States Munitions List that are integrally and directly related to antiterrorism training provided under this chapter if, at least 15 days before obligating those funds, the President notifies the appropriate congressional committees specified in section 634A of this Act in accordance with the procedures applicable to reprogramming notifications under such section.

“(C) The value (in terms of original acquisition cost) of all equipment and commodities provided under this chapter in any fiscal year may not exceed 25 percent of the funds made available to carry out this chapter for that fiscal year.”

(c) ANNUAL REPORT.—Section 574 of such Act (22 U.S.C. 2349aa-3) is hereby repealed.

(d) TECHNICAL CORRECTIONS.—Section 575 (22 U.S.C. 2349aa-4) and section 576 (22 U.S.C. 2349aa-5) of such Act are redesignated as sections 574 and 575, respectively.

#### SEC. 122. RESEARCH AND DEVELOPMENT EXPENSES.

Funds made available for fiscal years 1996 and 1997 to carry out chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.; relating to antiterrorism assistance) may be made available to the Technical Support Working Group

of the Department of State for research and development expenses related to contraband detection technologies or for field demonstrations of such technologies (whether such field demonstrations take place in the United States or outside the United States).

#### **CHAPTER 4—INTERNATIONAL NARCOTICS CONTROL ASSISTANCE**

##### **SEC. 131. ADDITIONAL REQUIREMENTS.**

(a) **POLICY AND GENERAL AUTHORITIES.**—Section 481(a) of the Foreign Assistance Act (22 U.S.C. 2291(a)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively; and

(B) by inserting after subparagraph (C) the following:

“(D) International criminal activities, particularly international narcotics trafficking, money laundering, and corruption, endanger political and economic stability and democratic development, and assistance for the prevention and suppression of international criminal activities should be a priority for the United States.”; and

(2) in paragraph (4), by adding before the period at the end the following: “, or for other anticrime purposes”.

(b) **CONTRIBUTIONS AND REIMBURSEMENT.**—Section 482(c) of that Act (22 U.S.C. 2291a(c)) is amended—

(1) by striking “CONTRIBUTION BY RECIPIENT COUNTRY.—To” and inserting “CONTRIBUTIONS AND REIMBURSEMENT.—(1 To”; and

(2) by adding at the end the following new paragraphs:

“(2)(A) The President is authorized to accept contributions from foreign governments to carry out the purposes of this chapter. Such contributions shall be deposited as an offsetting collection to the applicable appropriation account and may be used under the same terms and conditions as funds appropriated pursuant to this chapter.

“(B) At the time of submission of the annual congressional presentation documents required by section 634(a), the President shall provide a detailed report on any contributions received in the preceding fiscal year, the amount of such contributions, and the purposes for which such contributions were used.

President.  
Reports.

“(3) The President is authorized to provide assistance under this chapter on a reimbursable basis. Such reimbursements shall be deposited as an offsetting collection to the applicable appropriation and may be used under the same terms and conditions as funds appropriated pursuant to this chapter.”.

(c) **IMPLEMENTATION OF LAW ENFORCEMENT ASSISTANCE.**—Section 482 of such Act (22 U.S.C. 2291a) is amended by adding at the end the following new subsections:

“(f) **TREATMENT OF FUNDS.**—Funds transferred to and consolidated with funds appropriated pursuant to this chapter may be made available on such terms and conditions as are applicable to funds appropriated pursuant to this chapter. Funds so transferred or consolidated shall be apportioned directly to the bureau within the Department of State responsible for administering this chapter.

“(g) **EXCESS PROPERTY.**—For purposes of this chapter, the Secretary of State may use the authority of section 608, without regard

to the restrictions of such section, to receive nonlethal excess property from any agency of the United States Government for the purpose of providing such property to a foreign government under the same terms and conditions as funds authorized to be appropriated for the purposes of this chapter.”

21 USC 1502  
note.

#### SEC. 132. NOTIFICATION REQUIREMENT.

(a) IN GENERAL.—The authority of section 1003(d) of the National Narcotics Control Leadership Act of 1988 (21 U.S.C. 1502(d)) may be exercised with respect to funds authorized to be appropriated pursuant to the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) and with respect to the personnel of the Department of State only to the extent that the appropriate congressional committees have been notified 15 days in advance in accordance with the reprogramming procedures applicable under section 634A of that Act (22 U.S.C. 2394-1).

(b) DEFINITION.—For purposes of this section, the term “appropriate congressional committees” means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

22 USC 2151  
note.

#### SEC. 133. WAIVER OF RESTRICTIONS FOR NARCOTICS-RELATED ECONOMIC ASSISTANCE.

For each of the fiscal years 1996 and 1997, narcotics-related assistance under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) may be provided notwithstanding any other provision of law that restricts assistance to foreign countries (other than section 490(e) or section 502B of that Act (22 U.S.C. 2291j(e) and 2304)) if, at least 15 days before obligating funds for such assistance, the President notifies the appropriate congressional committees (as defined in section 481(e) of that Act (22 U.S.C. 2291(e))) in accordance with the procedures applicable to reprogramming notifications under section 634A of that Act (22 U.S.C. 2394-1).

### CHAPTER 5—OTHER PROVISIONS

#### SEC. 141. STANDARDIZATION OF CONGRESSIONAL REVIEW PROCEDURES FOR ARMS TRANSFERS.

(a) THIRD COUNTRY TRANSFERS UNDER FMS SALES.—Section 3(d)(2) of the Arms Export Control Act (22 U.S.C. 2753(d)(2)) is amended—

(1) in subparagraph (A), by striking “, as provided for in sections 36(b)(2) and 36(b)(3) of this Act”;

(2) in subparagraph (B), by striking “law” and inserting “joint resolution”; and

(3) by adding at the end the following:

President.

“(C) If the President states in his certification under subparagraph (A) or (B) that an emergency exists which requires that consent to the proposed transfer become effective immediately in the national security interests of the United States, thus waiving the requirements of that subparagraph, the President shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate immediate consent to the transfer and a discussion of the national security interests involved.

“(D)(i) Any joint resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

“(ii) For the purpose of expediting the consideration and enactment of joint resolutions under this paragraph, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.”

(b) THIRD COUNTRY TRANSFERS UNDER COMMERCIAL SALES.—Section 3(d)(3) of such Act (22 U.S.C. 2753(d)(3)) is amended—

(1) by inserting “(A)” after “(3)”;

(2) in the first sentence—

(A) by striking “at least 30 calendar days”; and

(B) by striking “report” and inserting “certification”;

and

(3) by striking the last sentence and inserting the following:

“Such certification shall be submitted—

“(i) at least 15 calendar days before such consent is given in the case of a transfer to a country which is a member of the North Atlantic Treaty Organization or Australia, Japan, or New Zealand; and

“(ii) at least 30 calendar days before such consent is given in the case of a transfer to any other country,

unless the President states in his certification that an emergency exists which requires that consent to the proposed transfer become effective immediately in the national security interests of the United States. If the President states in his certification that such an emergency exists (thus waiving the requirements of clause (i) or (ii), as the case may be, and of subparagraph (B)) the President shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate that consent to the proposed transfer become effective immediately and a discussion of the national security interests involved.

President.

“(B) Consent to a transfer subject to subparagraph (A) shall become effective after the end of the 15-day or 30-day period specified in subparagraph (A)(i) or (ii), as the case may be, only if the Congress does not enact, within that period, a joint resolution prohibiting the proposed transfer.

Effective date.

“(C)(i) Any joint resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

“(ii) For the purpose of expediting the consideration and enactment of joint resolutions under this paragraph, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.”

(c) COMMERCIAL SALES.—Section 36(c)(2) of such Act (22 U.S.C. 2776(c)(2)) is amended by amending subparagraphs (A) and (B) to read as follows:

“(A) in the case of a license for an export to the North Atlantic Treaty Organization, any member country of that Organization or Australia, Japan, or New Zealand, shall not be issued until at least 15 calendar days after the Congress receives such certification, and shall not be issued then if

the Congress, within that 15-day period, enacts a joint resolution prohibiting the proposed export; and

“(B) in the case of any other license, shall not be issued until at least 30 calendar days after the Congress receives such certification, and shall not be issued then if the Congress, within that 30-day period, enacts a joint resolution prohibiting the proposed export.”.

(d) COMMERCIAL MANUFACTURING AGREEMENTS.—Section 36(d) of such Act (22 U.S.C. 2776(d)) is amended—

(1) by inserting “(1)” after “(d)”;

(2) by striking “for or in a country not a member of the North Atlantic Treaty Organization”; and

(3) by adding at the end the following:

“(2) A certification under this subsection shall be submitted—

“(A) at least 15 days before approval is given in the case of an agreement for or in a country which is a member of the North Atlantic Treaty Organization or Australia, Japan, or New Zealand; and

“(B) at least 30 days before approval is given in the case of an agreement for or in any other country;

unless the President states in his certification that an emergency exists which requires the immediate approval of the agreement in the national security interests of the United States.

President.

“(3) If the President states in his certification that an emergency exists which requires the immediate approval of the agreement in the national security interests of the United States, thus waiving the requirements of paragraph (4), he shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate approval of the agreement and a discussion of the national security interests involved.

“(4) Approval for an agreement subject to paragraph (1) may not be given under section 38 if the Congress, within the 15-day or 30-day period specified in paragraph (2)(A) or (B), as the case may be, enacts a joint resolution prohibiting such approval.

“(5)(A) Any joint resolution under paragraph (4) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

“(B) For the purpose of expediting the consideration and enactment of joint resolutions under paragraph (4), a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.”.

(e) GOVERNMENT-TO-GOVERNMENT LEASES.—

(1) CONGRESSIONAL REVIEW PERIOD.—Section 62 of such Act (22 U.S.C. 2796a) is amended—

(A) in subsection (a), by striking “Not less than 30 days before” and inserting “Before”;

(B) in subsection (b)—

(i) by striking “determines, and immediately reports to the Congress” and inserting “states in his certification”; and

(ii) by adding at the end of the subsection the following: “If the President states in his certification that such an emergency exists, he shall set forth in the certification a detailed justification for his deter-

President.

mination, including a description of the emergency circumstances which necessitate that the lease be entered into immediately and a discussion of the national security interests involved.”; and

(C) by adding at the end of the section the following:

“(c) The certification required by subsection (a) shall be transmitted—

“(1) not less than 15 calendar days before the agreement is entered into or renewed in the case of an agreement with the North Atlantic Treaty Organization, any member country of that Organization or Australia, Japan, or New Zealand; and

“(2) not less than 30 calendar days before the agreement is entered into or renewed in the case of an agreement with any other organization or country.”.

(2) CONGRESSIONAL DISAPPROVAL.—Section 63(a) of such Act (22 U.S.C. 2796b(a)) is amended—

(A) by striking “(a)(1)” and inserting “(a)”;

(B) by striking “30 calendar days after receiving the certification with respect to that proposed agreement pursuant to section 62(a),” and inserting “the 15-day or 30-day period specified in section 62(c) (1) or (2), as the case may be,”; and

(C) by striking paragraph (2).

(f) EFFECTIVE DATE.—The amendments made by this section apply with respect to certifications required to be submitted on or after the date of the enactment of this Act. 22 USC 2753 note.

#### SEC. 142. STANDARDIZATION OF THIRD COUNTRY TRANSFERS OF DEFENSE ARTICLES.

Section 3 of the Arms Export Control Act (22 U.S.C. 2753) is amended by inserting after subsection (a) the following new subsection:

“(b) The consent of the President under paragraph (2) of subsection (a) or under paragraph (1) of section 505(a) of the Foreign Assistance Act of 1961 (as it relates to subparagraph (B) of such paragraph) shall not be required for the transfer by a foreign country or international organization of defense articles sold by the United States under this Act if—

“(1) such articles constitute components incorporated into foreign defense articles;

“(2) the recipient is the government of a member country of the North Atlantic Treaty Organization, the Government of Australia, the Government of Japan, or the Government of New Zealand;

“(3) the recipient is not a country designated under section 620A of the Foreign Assistance Act of 1961;

“(4) the United States-origin components are not—

“(A) significant military equipment (as defined in section 47(9));

“(B) defense articles for which notification to Congress is required under section 36(b); and

“(C) identified by regulation as Missile Technology Control Regime items; and

“(5) the foreign country or international organization provides notification of the transfer of the defense articles to

the United States Government not later than 30 days after the date of such transfer.”.

**SEC. 143. INCREASED STANDARDIZATION, RATIONALIZATION, AND INTEROPERABILITY OF ASSISTANCE AND SALES PROGRAMS.**

Paragraph (6) of section 515(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321i(a)(6)) is amended by striking “among members of the North Atlantic Treaty Organization and with the Armed Forces of Japan, Australia, and New Zealand”.

**SEC. 144. DEFINITION OF SIGNIFICANT MILITARY EQUIPMENT.**

Section 47 of the Arms Export Control Act (22 U.S.C. 2794) is amended—

- (1) in paragraph (7), by striking “and” at the end;
- (2) in paragraph (8), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following new paragraph:
 

“(9) ‘significant military equipment’ means articles—  
 “(A) for which special export controls are warranted because of the capacity of such articles for substantial military utility or capability; and  
 “(B) identified on the United States Munitions List.”.

**SEC. 145. ELIMINATION OF ANNUAL REPORTING REQUIREMENT RELATING TO THE SPECIAL DEFENSE ACQUISITION FUND.**

(a) **IN GENERAL.**—Section 53 of the Arms Export Control Act (22 U.S.C. 2795b) is hereby repealed.

(b) **CONFORMING AMENDMENT.**—Section 51(a)(4) of such Act (22 U.S.C. 2795(a)(4)) is amended—

- (1) by striking “(A)”; and
- (2) by striking subparagraph (B).

**SEC. 146. COST OF LEASED DEFENSE ARTICLES THAT HAVE BEEN LOST OR DESTROYED.**

Section 61(a)(4) of the Arms Export Control Act (22 U.S.C. 2796(a)(4)) is amended by striking “and the replacement cost” and all that follows and inserting the following: “and, if the articles are lost or destroyed while leased—

“(A) in the event the United States intends to replace the articles lost or destroyed, the replacement cost (less any depreciation in the value) of the articles; or

“(B) in the event the United States does not intend to replace the articles lost or destroyed, an amount not less than the actual value (less any depreciation in the value) specified in the lease agreement.”.

**SEC. 147. DESIGNATION OF MAJOR NON-NATO ALLIES.**

(a) **DESIGNATION.**—

(1) **NOTICE TO CONGRESS.**—Chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

**“SEC. 517. DESIGNATION OF MAJOR NON-NATO ALLIES.**

“(a) **NOTICE TO CONGRESS.**—The President shall notify the Congress in writing at least 30 days before—

22 USC 2321k.

President.

“(1) designating a country as a major non-NATO ally for purposes of this Act and the Arms Export Control Act (22 U.S.C. 2751 et seq.); or

“(2) terminating such a designation.

“(b) INITIAL DESIGNATIONS.—Australia, Egypt, Israel, Japan, the Republic of Korea, and New Zealand shall be deemed to have been so designated by the President as of the effective date of this section, and the President is not required to notify the Congress of such designation of those countries.”.

(2) DEFINITION.—Section 644 of such Act (22 U.S.C. 2403) is amended by adding at the end the following:

“(q) ‘Major non-NATO ally’ means a country which is designated in accordance with section 517 as a major non-NATO ally for purposes of this Act and the Arms Export Control Act (22 U.S.C. 2751 et seq.).”.

(3) EXISTING DEFINITIONS.—(A) The last sentence of section 21(g) of the Arms Export Control Act (22 U.S.C. 2761(g)) is repealed.

(B) Section 65(d) of such Act (22 U.S.C. 2796d(d)) is amended—

(i) by striking “or major non-NATO”; and

(ii) by striking out “or a” and all that follows through “Code”.

(b) COOPERATIVE TRAINING AGREEMENTS.—Section 21(g) of the Arms Export Control Act (22 U.S.C. 2761(g)) is amended in the first sentence by striking “similar agreements” and all that follows through “other countries” and inserting “similar agreements with countries”.

#### SEC. 148. ANNUAL MILITARY ASSISTANCE REPORT.

Section 655 of the Foreign Assistance Act of 1961 (22 U.S.C. 2415) is amended to read as follows:

##### “SEC. 655. ANNUAL MILITARY ASSISTANCE REPORT.

“(a) REPORT REQUIRED.—Not later than February 1 of each year, the President shall transmit to the Congress an annual report for the fiscal year ending the previous September 30. President.

“(b) INFORMATION RELATING TO MILITARY ASSISTANCE AND MILITARY EXPORTS.—Each such report shall show the aggregate dollar value and quantity of defense articles (including excess defense articles), defense services, and international military education and training authorized by the United States, excluding that which is pursuant to activities reportable under title V of the National Security Act of 1947, to each foreign country and international organization. The report shall specify, by category, whether such defense articles—

“(1) were furnished by grant under chapter 2 or chapter 5 of part II of this Act or under any other authority of law or by sale under chapter 2 of the Arms Export Control Act; or

“(2) were licensed for export under section 38 of the Arms Export Control Act.

“(c) INFORMATION RELATING TO MILITARY IMPORTS.—Each such report shall also include the total amount of military items manufactured outside the United States that were imported into the United States during the fiscal year covered by the report. For each country of origin the report shall show the type of item being imported and the total amount of the items.”.

**SEC. 149. DEPLETED URANIUM AMMUNITION.**

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2370 et seq.), is amended by adding at the end the following new section:

22 USC 2378a.

**“SEC. 620G. DEPLETED URANIUM AMMUNITION.**

“(a) **PROHIBITION.**—Except as provided in subsection (b), none of the funds made available to carry out this Act or any other Act may be made available to facilitate in any way the sale of M-833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than—

“(1) a country that is a member of the North Atlantic Treaty Organization;

“(2) a country that has been designated as a major non-NATO ally (as defined in section 644(q)); or

“(3) Taiwan.

“(b) **EXCEPTION.**—The prohibition contained in subsection (a) shall not apply with respect to the use of funds to facilitate the sale of antitank shells to a country if the President determines that to do so is in the national security interest of the United States.”.

**SEC. 150. END-USE MONITORING OF DEFENSE ARTICLES AND DEFENSE SERVICES.**

(a) **IN GENERAL.**—The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended by inserting after chapter 3 the following new chapter:

**“CHAPTER 3A—END-USE MONITORING OF DEFENSE ARTICLES AND DEFENSE SERVICES**

President.  
22 USC 2785.

**“SEC. 40A. END-USE MONITORING OF DEFENSE ARTICLES AND DEFENSE SERVICES.**

“(a) **ESTABLISHMENT OF MONITORING PROGRAM.**—

“(1) **IN GENERAL.**—In order to improve accountability with respect to defense articles and defense services sold, leased, or exported under this Act or the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the President shall establish a program which provides for the end-use monitoring of such articles and services.

“(2) **REQUIREMENTS OF PROGRAM.**—To the extent practicable, such program—

“(A) shall provide for the end-use monitoring of defense articles and defense services in accordance with the standards that apply for identifying high-risk exports for regular end-use verification developed under section 38(g)(7) of this Act (commonly referred to as the ‘Blue Lantern’ program); and

“(B) shall be designed to provide reasonable assurance that—

“(i) the recipient is complying with the requirements imposed by the United States Government with respect to use, transfers, and security of defense articles and defense services; and

“(ii) such articles and services are being used for the purposes for which they are provided.

“(b) CONDUCT OF PROGRAM.—In carrying out the program established under subsection (a), the President shall ensure that the program—

“(1) provides for the end-use verification of defense articles and defense services that incorporate sensitive technology, defense articles and defense services that are particularly vulnerable to diversion or other misuse, or defense articles or defense services whose diversion or other misuse could have significant consequences; and

“(2) prevents the diversion (through reverse engineering or other means) of technology incorporated in defense articles.

“(c) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this section, and annually thereafter as a part of the annual congressional presentation documents submitted under section 634 of the Foreign Assistance Act of 1961, the President shall transmit to the Congress a report describing the actions taken to implement this section, including a detailed accounting of the costs and number of personnel associated with the monitoring program.

“(d) THIRD COUNTRY TRANSFERS.—For purposes of this section, defense articles and defense services sold, leased, or exported under this Act or the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) includes defense articles and defense services that are transferred to a third country or other third party.”.

(b) EFFECTIVE DATE.—Section 40A of the Arms Export Control Act, as added by subsection (a), applies with respect to defense articles and defense services provided before or after the date of the enactment of this Act.

22 USC 2785  
note.

**SEC. 151. BROKERING ACTIVITIES RELATING TO COMMERCIAL SALES OF DEFENSE ARTICLES AND SERVICES.**

(a) IN GENERAL.—Section 38(b)(1)(A) of the Arms Export Control Act (22 U.S.C. 2778(b)(1)(A)) is amended—

(1) in the first sentence, by striking “As prescribed in regulations” and inserting “(i) As prescribed in regulations”; and

(2) by adding at the end the following new clause:

“(ii)(I) As prescribed in regulations issued under this section, every person (other than an officer or employee of the United States Government acting in official capacity) who engages in the business of brokering activities with respect to the manufacture, export, import, or transfer of any defense article or defense service designated by the President under subsection (a)(1), or in the business of brokering activities with respect to the manufacture, export, import, or transfer of any foreign defense article or defense service (as defined in subclause (IV)), shall register with the United States Government agency charged with the administration of this section, and shall pay a registration fee which shall be prescribed by such regulations.

Regulations.

“(II) Such brokering activities shall include the financing, transportation, freight forwarding, or taking of any other action that facilitates the manufacture, export, or import of a defense article or defense service.

“(III) No person may engage in the business of brokering activities described in subclause (I) without a license, issued in accordance with this Act, except that no license shall be required for such

activities undertaken by or for an agency of the United States Government—

“(aa) for use by an agency of the United States Government;

or

“(bb) for carrying out any foreign assistance or sales program authorized by law and subject to the control of the President by other means.

“(IV) For purposes of this clause, the term ‘foreign defense article or defense service’ includes any non-United States defense article or defense service of a nature described on the United States Munitions List regardless of whether such article or service is of United States origin or whether such article or service contains United States origin components.”.

22 USC 2778  
note.

(b) EFFECTIVE DATE.—Section 38(b)(1)(A)(ii) of the Arms Export Control Act, as added by subsection (a), shall apply with respect to brokering activities engaged in beginning on or after 120 days after the enactment of this Act.

**SEC. 152. RETURN AND EXCHANGES OF DEFENSE ARTICLES PREVIOUSLY TRANSFERRED PURSUANT TO THE ARMS EXPORT CONTROL ACT.**

(a) REPAIR OF DEFENSE ARTICLES.—Section 21 of the Arms Export Control Act (22 U.S.C. 2761) is amended by adding at the end the following new subsection:

“(1) REPAIR OF DEFENSE ARTICLES.—

“(1) IN GENERAL.—The President may acquire a repairable defense article from a foreign country or international organization if such defense article—

“(A) previously was transferred to such country or organization under this Act;

“(B) is not an end item; and

“(C) will be exchanged for a defense article of the same type that is in the stocks of the Department of Defense.

“(2) LIMITATION.—The President may exercise the authority provided in paragraph (1) only to the extent that the Department of Defense—

“(A)(i) has a requirement for the defense article being returned; and

“(ii) has available sufficient funds authorized and appropriated for such purpose; or

“(B)(i) is accepting the return of the defense article for subsequent transfer to another foreign government or international organization pursuant to a letter of offer and acceptance implemented in accordance with this Act; and

“(ii) has available sufficient funds provided by or on behalf of such other foreign government or international organization pursuant to a letter of offer and acceptance implemented in accordance with this Act.

“(3) REQUIREMENT.—(A) The foreign government or international organization receiving a new or repaired defense article in exchange for a repairable defense article pursuant to paragraph (1) shall, upon the acceptance by the United States Government of the repairable defense article being returned, be charged the total cost associated with the repair and replacement transaction.

“(B) The total cost charged pursuant to subparagraph (A) shall be the same as that charged the United States Armed Forces for a similar repair and replacement transaction, plus an administrative surcharge in accordance with subsection (e)(1)(A) of this section.

“(4) RELATIONSHIP TO CERTAIN OTHER PROVISIONS OF LAW.—The authority of the President to accept the return of a repairable defense article as provided in subsection (a) shall not be subject to chapter 137 of title 10, United States Code, or any other provision of law relating to the conclusion of contracts.”.

(b) RETURN OF DEFENSE ARTICLES.—Section 21 of such Act (22 U.S.C. 2761), as amended by this Act, is further amended by adding at the end the following new subsection:

“(m) RETURN OF DEFENSE ARTICLES.—

“(1) IN GENERAL.—The President may accept the return of a defense article from a foreign country or international organization if such defense article—

“(A) previously was transferred to such country or organization under this Act;

“(B) is not significant military equipment (as defined in section 47(9) of this Act); and

“(C) is in fully functioning condition without need of repair or rehabilitation.

“(2) LIMITATION.—The President may exercise the authority provided in paragraph (1) only to the extent that the Department of Defense—

“(A)(i) has a requirement for the defense article being returned; and

“(ii) has available sufficient funds authorized and appropriated for such purpose; or

“(B)(i) is accepting the return of the defense article for subsequent transfer to another foreign government or international organization pursuant to a letter of offer and acceptance implemented in accordance with this Act; and

“(ii) has available sufficient funds provided by or on behalf of such other foreign government or international organization pursuant to a letter of offer and acceptance implemented in accordance with this Act.

“(3) CREDIT FOR TRANSACTION.—Upon acquisition and acceptance by the United States Government of a defense article under paragraph (1), the appropriate Foreign Military Sales account of the provider shall be credited to reflect the transaction.

“(4) RELATIONSHIP TO CERTAIN OTHER PROVISIONS OF LAW.—The authority of the President to accept the return of a defense article as provided in paragraph (1) shall not be subject to chapter 137 of title 10, United States Code, or any other provision of law relating to the conclusion of contracts.”.

(c) REGULATIONS.—Under the direction of the President, the Secretary of Defense shall promulgate regulations to implement subsections (l) and (m) of section 21 of the Arms Export Control Act, as added by this section.

22 USC 2761  
note.

**SEC. 153. NATIONAL SECURITY INTEREST DETERMINATION TO WAIVE REIMBURSEMENT OF DEPRECIATION FOR LEASED DEFENSE ARTICLES.**

(a) **IN GENERAL.**—Section 61(a) of the Arms Export Control Act (22 U.S.C. 2796(a)) is amended—

(1) in the second sentence, by striking “, or to any defense article which has passed three-quarters of its normal service life”; and

(2) by inserting after the second sentence the following new sentence: “The President may waive the requirement of paragraph (4) for reimbursement of depreciation for any defense article which has passed three-quarters of its normal service life if the President determines that to do so is important to the national security interest of the United States.”.

22 USC 2796  
note.

(b) **EFFECTIVE DATE.**—The third sentence of section 61(a) of the Arms Export Control Act, as added by subsection (a)(2), shall apply only with respect to a defense article leased on or after the date of the enactment of this Act.

22 USC 2751  
note.

**SEC. 154. ELIGIBILITY OF PANAMA UNDER THE ARMS EXPORT CONTROL ACT.**

The Government of the Republic of Panama shall be eligible to purchase defense articles and defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), except as otherwise specifically provided by law.

President.  
Federal Register,  
publication.

**SEC. 155. PUBLICATION OF ARMS SALES CERTIFICATIONS.**

Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended by adding at the end the following new subsection:

“(e) The President shall cause to be published in the Federal Register, upon transmittal to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate, the full unclassified text of each numbered certification submitted pursuant to subsection (b) and each notification of a proposed commercial sale submitted under subsection (c).”.

President.

**SEC. 156. RELEASE OF INFORMATION.**

Section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) is amended by inserting in the first sentence before the period at the end the following: “, except that the names of the countries and the types and quantities of defense articles for which licenses are issued under this section shall not be withheld from public disclosure unless the President determines that the release of such information would be contrary to the national interest”.

**SEC. 157. REPEAL OF TERMINATION OF PROVISIONS OF THE NUCLEAR PROLIFERATION PREVENTION ACT OF 1994; PRESIDENTIAL DETERMINATIONS.**

(a) **REPEAL.**—Part D of the Nuclear Proliferation Prevention Act of 1994 (part D of title VIII of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995; Public Law 103-236; 108 Stat. 525) is hereby repealed.

22 USC 3201  
note.

(b) **JUDICIAL REVIEW.**—Section 824 of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 3201 note) is amended—

(1) in subsection (c), by striking “in writing after opportunity for a hearing on the record”;

(2) by striking subsection (e); and

(3) by redesignating subsections (f) through (k) as subsections (e) through (j), respectively.

## TITLE II—TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

### SEC. 201. AUTHORITY TO TRANSFER NAVAL VESSELS.

(a) EGYPT.—The Secretary of the Navy is authorized to transfer to the Government of Egypt the “OLIVER HAZARD PERRY CLASS” frigate GALLERY. Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(b) MEXICO.—The Secretary of the Navy is authorized to transfer to the Government of Mexico the “KNOX” class frigates STEIN (FF 1065) and MARVIN SHIELDS (FF 1066). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(c) NEW ZEALAND.—The Secretary of the Navy is authorized to transfer to the Government of New Zealand the “STALWART” class ocean surveillance ship TENACIOUS. Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(d) PORTUGAL.—The Secretary of the Navy is authorized to transfer to the Government of Portugal the “STALWART” class ocean surveillance ship AUDACIOUS. Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j; relating to transfers of excess defense articles).

(e) TAIWAN.—The Secretary of the Navy is authorized to transfer to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the following:

(1) The “KNOX” class frigates AYLWIN (FF 1081), PHARRIS (FF 1094), and VALDEZ (FF 1096). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(2) The “NEWPORT” class tank landing ship NEWPORT (LST 1179). Such transfer shall be on a lease basis under section 61 of the Arms Export Control Act (22 U.S.C. 2796).

(f) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the “KNOX” class frigate OUELLET (FF 1077). Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

### SEC. 202. COSTS OF TRANSFERS.

Any expense of the United States in connection with a transfer authorized by this title shall be charged to the recipient.

### SEC. 203. EXPIRATION OF AUTHORITY.

The authority granted by section 201 shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

**SEC. 204. REPAIR AND REFURBISHMENT OF VESSELS IN UNITED STATES SHIPYARDS.**

The Secretary of the Navy shall require, to the maximum extent possible, as a condition of a transfer of a vessel under this title, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

Approved July 21, 1996.

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**LEGISLATIVE HISTORY—H.R. 3121:**

HOUSE REPORTS: No. 104-519, Pt. 1 (Comm. on International Relations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Apr. 16, considered and passed House.

June 27, considered and passed Senate, amended.

July 9, House concurred in Senate amendments.

Public Law 104-165  
104th Congress

An Act

To authorize the Secretary of Agriculture to convey lands to the city of Rolla,  
Missouri.

July 24, 1996

[H.R. 701]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. LAND CONVEYANCE, ROLLA RANGER DISTRICT ADMINISTRATIVE SITE, ROLLA, MISSOURI.**

(a) **CONVEYANCE AUTHORIZED.**—Subject to the terms and conditions specified in this section, the Secretary of Agriculture may sell to the city of Rolla, Missouri (in this section referred to as the “City”), all right, title, and interest of the United States in and to the following:

The property identified as the Rolla Ranger District Administrative Site of the Forest Service located in Rolla, Phelps County, Missouri, encompassing ten acres more or less, the conveyance of which by C.D. and Oma A. Hazlewood to the United States was recorded on May 6, 1936, in book 104, page 286 of the Record of Deeds of Phelps County, Missouri.

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the property as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisition as published by the Department of Justice. Payment shall be due in full within six months after the date the conveyance is made, or, at the option of the City, in twenty equal annual installments commencing on January 1 of the first year following the conveyance and annually thereafter until the total amount due has been paid.

(c) **DEPOSIT OF FUNDS RECEIVED.**—Funds received by the Secretary under subsection (b) as consideration for the conveyance shall be deposited into the special fund in the Treasury authorized by the Act of December 4, 1967 (16 U.S.C. 484a, commonly known as the Sisk Act). Such funds shall be available, subject to appropriation, until expended by the Secretary.

(d) **RELEASE.**—Subject to compliance with all Federal environmental laws prior to transfer, the City, upon conveyance of the property under subsection (a), shall agree in writing to hold the United States harmless from any and all claims relating to the property including all claims resulting from hazardous materials on the conveyed lands.

(e) **RIGHT OF REENTRY.**—The conveyance to the City under subsection (a) shall be made by quitclaim deed in fee simple, subject to a right of reentry in the United States if the Secretary determines that the City is not in compliance with the compensation require-

ments specified in subsection (b) or other condition prescribed by the Secretary in the deed of conveyance.

(f) CONSERVATION OF HISTORIC RESOURCES.—In consultation with the State Historic Preservation Office of the State of Missouri, the Secretary shall ensure that the historic resources on the property to be conveyed are conserved by requiring, at the closing on the conveyance of the property, that the City convey an historic preservation easement to the State of Missouri assuring the right of the State to enter the property for historic preservation purposes. The historic preservation easement shall be negotiated between the State of Missouri and the City, and the conveyance of the easement shall be a condition to the conveyance authorized under subsection (a). The protection of the historic resources on the conveyed property shall be the responsibility of the State of Missouri and the City, and not that of the Secretary.

Approved July 24, 1996.

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LEGISLATIVE HISTORY—H.R. 701:

HOUSE REPORTS: No. 104-215 (Comm. on Agriculture).

CONGRESSIONAL RECORD:

Vol. 141 (1995): July 31, considered and passed House.

Vol. 142 (1996): July 9, considered and passed Senate.

Public Law 104-166  
104th Congress

An Act

To amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

July 29, 1996

[H.R. 248]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.**

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393 the following section:

**“PREVENTION OF TRAUMATIC BRAIN INJURY**

**“SEC. 393A. (a) IN GENERAL.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may carry out projects to reduce the incidence of traumatic brain injury. Such projects may be carried out by the Secretary directly or through awards of grants or contracts to public or nonprofit private entities. The Secretary may directly or through such awards provide technical assistance with respect to the planning, development, and operation of such projects. 42 USC 280b-1b.

**“(b) CERTAIN ACTIVITIES.**—Activities under subsection (a) may include—

**“(1) the conduct of research into identifying effective strategies for the prevention of traumatic brain injury; and**

**“(2) the implementation of public information and education programs for the prevention of such injury and for broadening the awareness of the public concerning the public health consequences of such injury.**

**“(c) COORDINATION OF ACTIVITIES.**—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

**“(d) DEFINITION.**—For purposes of this section, the term ‘traumatic brain injury’ means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.”.

**SEC. 2. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.**

Section 1261 of the Public Health Service Act (42 U.S.C. 300d-61) is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking “and” after the semicolon at the end;

(B) in paragraph (3), by striking the period and inserting “; and”; and

(C) by adding at the end the following paragraph:

“(4) the authority to make awards of grants or contracts to public or nonprofit private entities for the conduct of basic and applied research regarding traumatic brain injury, which research may include—

“(A) the development of new methods and modalities for the more effective diagnosis, measurement of degree of injury, post-injury monitoring and prognostic assessment of head injury for acute, subacute and later phases of care;

“(B) the development, modification and evaluation of therapies that retard, prevent or reverse brain damage after acute head injury, that arrest further deterioration following injury and that provide the restitution of function for individuals with long-term injuries;

“(C) the development of research on a continuum of care from acute care through rehabilitation, designed, to the extent practicable, to integrate rehabilitation and long-term outcome evaluation with acute care research; and

“(D) the development of programs that increase the participation of academic centers of excellence in head injury treatment and rehabilitation research and training.”; and

(2) in subsection (h), by adding at the end the following paragraph:

“(4) The term ‘traumatic brain injury’ means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.”.

### SEC. 3. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

Part E of title XII of the Public Health Service Act (42 U.S.C. 300d-51 et seq.) is amended by adding at the end the following section:

#### 42 USC 300d-52. “SEC. 1252. STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.

“(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States for the purpose of carrying out demonstration projects to improve access to health and other services regarding traumatic brain injury.

“(b) STATE ADVISORY BOARD.—

“(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State involved agrees to establish an advisory board within the appropriate health department of the State or within another department as designated by the chief executive officer of the State.

“(2) FUNCTIONS.—An advisory board established under paragraph (1) shall advise and make recommendations to the

State on ways to improve services coordination regarding traumatic brain injury. Such advisory boards shall encourage citizen participation through the establishment of public hearings and other types of community outreach programs. In developing recommendations under this paragraph, such boards shall consult with Federal, State, and local governmental agencies and with citizens groups and other private entities.

“(3) COMPOSITION.—An advisory board established under paragraph (1) shall be composed of—

“(A) representatives of—

“(i) the corresponding State agencies involved;

“(ii) public and nonprofit private health related organizations;

“(iii) other disability advisory or planning groups within the State;

“(iv) members of an organization or foundation representing traumatic brain injury survivors in that State; and

“(v) injury control programs at the State or local level if such programs exist; and

“(B) a substantial number of individuals who are survivors of traumatic brain injury, or the family members of such individuals.

“(c) MATCHING FUNDS.—

“(1) IN GENERAL.—With respect to the costs to be incurred by a State in carrying out the purpose described in subsection (a), the Secretary may make a grant under such subsection only if the State agrees to make available, in cash, non-Federal contributions toward such costs in an amount that is not less than \$1 for each \$2 of Federal funds provided under the grant.

“(2) DETERMINATION OF AMOUNT CONTRIBUTED.—In determining the amount of non-Federal contributions in cash that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.

“(d) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

“(e) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

“(f) REPORT.—Not later than 2 years after the date of the enactment of this section, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings and results of the programs established under this section, including measures of outcomes and consumer and surrogate satisfaction.

“(g) DEFINITION.—For purposes of this section, the term ‘traumatic brain injury’ means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning. The Secretary

may revise the definition of such term as the Secretary determines necessary.

“(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated \$5,000,000 for each of the fiscal years 1997 through 1999.”.

42 USC 300d-61  
note.

**SEC. 4. STUDY; CONSENSUS CONFERENCE.**

**(a) STUDY.—**

(1) **IN GENERAL.**—The Secretary of Health and Human Services (in this section referred to as the “Secretary”), acting through the appropriate agencies of the Public Health Service, shall conduct a study for the purpose of carrying out the following with respect to traumatic brain injury:

(A) In collaboration with appropriate State and local health-related agencies—

(i) determine the incidence and prevalence of traumatic brain injury; and

(ii) develop a uniform reporting system under which States report incidents of traumatic brain injury, if the Secretary determines that such a system is appropriate.

(B) Identify common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and shall, subject to the availability of information, include an analysis of—

(i) the effectiveness of each such intervention in improving the functioning of individuals with brain injuries;

(ii) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

(iii) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

(C) Develop practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

**(2) DATES CERTAIN FOR REPORTS.—**

(A) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of carrying out paragraph (1)(A).

(B) Not later than 3 years after the date of the enactment of this Act, the Secretary shall submit to the Committees specified in subparagraph (A) a report describing the findings made as a result of carrying out subparagraphs (B) and (C) of paragraph (1).

(b) **CONSENSUS CONFERENCE.**—The Secretary, acting through the Director of the National Center for Medical Rehabilitation Research within the National Institute for Child Health and Human Development, shall conduct a national consensus conference on managing traumatic brain injury and related rehabilitation concerns.

(c) **DEFINITION.**—For purposes of this section, the term “traumatic brain injury” means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.

(d) **AUTHORIZATIONS OF APPROPRIATIONS.**—For the purpose of carrying out subsection (a)(1)(A), there is authorized to be appropriated \$3,000,000 for each of the fiscal years 1997 through 1999. For the purpose of carrying out the other provisions of this section, there is authorized to be appropriated an aggregate \$500,000 for the fiscal years 1997 through 1999. Amounts appropriated for such other provisions remain available until expended.

#### SEC. 5. TECHNICAL AMENDMENTS.

Title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.), as amended by Public Law 104-146 (the Ryan White CARE Act Amendments of 1996), is amended—

(1) in section 2626—

*Ante*, p. 1369.

(A) in subsection (d), in the first sentence, by striking “(1) through (5)” and inserting “(1) through (4)”; and

(B) in subsection (f), in the matter preceding paragraph (1), by striking “(1) through (5)” and inserting “(1) through (4)”; and

(2) in section 2692—

*Ante*, p. 1363.

(A) in subsection (a)(1)(A)—

(i) by striking “title XXVI programs” and inserting “programs under this title”; and

(ii) by striking “infection and”; and

(B) by striking subsection (c) and all that follows and inserting the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) SCHOOLS; CENTERS.—For the purpose of grants under subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1996 through 2000.

“(2) DENTAL SCHOOLS.—For the purpose of grants under subsection (b), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1996 through 2000.”.

Approved July 29, 1996.

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LEGISLATIVE HISTORY—H.R. 248:

HOUSE REPORTS: No. 104-652 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 142 (1996):

July 9, considered and passed House.

July 12, considered and passed Senate.

Public Law 104-167  
104th Congress

An Act

Entitled the "Mollie Beattie Wilderness Area Act".

July 29, 1996

[S. 1899]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 702(3) of Public Law 96-487 is amended by striking "Arctic National Wildlife Refuge Wilderness" and inserting "Mollie Beattie Wilderness". The Secretary of the Interior is authorized to place a monument in honor of Mollie Beattie's contributions to fish, wildlife, and waterfowl conservation and management at a suitable location that he designates within the Mollie Beattie Wilderness.

16 USC 1132  
note.

Approved July 29, 1996.

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LEGISLATIVE HISTORY—S. 1899:

CONGRESSIONAL RECORD, Vol. 142 (1996):

June 28, considered and passed Senate.

July 16, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

July 29, Presidential statement.

Public Law 104-168  
104th Congress

An Act

July 30, 1996

[H.R. 2337]

To amend the Internal Revenue Code of 1986 to provide for increased taxpayer protections.

Taxpayer Bill of Rights 2.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

26 USC 1 note.

(a) SHORT TITLE.—This Act may be cited as the “Taxpayer Bill of Rights 2”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—TAXPAYER ADVOCATE

Sec. 101. Establishment of position of Taxpayer Advocate within Internal Revenue Service.

Sec. 102. Expansion of authority to issue Taxpayer Assistance Orders.

TITLE II—MODIFICATIONS TO INSTALLMENT AGREEMENT PROVISIONS

Sec. 201. Notification of reasons for termination of installment agreements.

Sec. 202. Administrative review of termination of installment agreement.

TITLE III—ABATEMENT OF INTEREST AND PENALTIES

Sec. 301. Expansion of authority to abate interest.

Sec. 302. Review of IRS failure to abate interest.

Sec. 303. Extension of interest-free period for payment of tax after notice and demand.

Sec. 304. Abatement of penalty for failure to make required deposits of payroll taxes in certain cases.

TITLE IV—JOINT RETURNS

Sec. 401. Studies of joint return-related issues.

Sec. 402. Joint return may be made after separate returns without full payment of tax.

Sec. 403. Disclosure of collection activities.

TITLE V—COLLECTION ACTIVITIES

Sec. 501. Modifications to lien and levy provisions.

Sec. 502. Modifications to certain levy exemption amounts.

Sec. 503. Offers-in-compromise.

TITLE VI—INFORMATION RETURNS

Sec. 601. Civil damages for fraudulent filing of information returns.

Sec. 602. Requirement to conduct reasonable investigations of information returns.

**TITLE VII—AWARDING OF COSTS AND CERTAIN FEES**

- Sec. 701. United States must establish that its position in proceeding was substantially justified.
- Sec. 702. Increased limit on attorney fees.
- Sec. 703. Failure to agree to extension not taken into account.
- Sec. 704. Award of litigation costs permitted in declaratory judgment proceedings.

**TITLE VIII—MODIFICATION TO RECOVERY OF CIVIL DAMAGES FOR UNAUTHORIZED COLLECTION ACTIONS**

- Sec. 801. Increase in limit on recovery of civil damages for unauthorized collection actions.
- Sec. 802. Court discretion to reduce award for litigation costs for failure to exhaust administrative remedies.

**TITLE IX—MODIFICATIONS TO PENALTY FOR FAILURE TO COLLECT AND PAY OVER TAX**

- Sec. 901. Preliminary notice requirement.
- Sec. 902. Disclosure of certain information where more than 1 person liable for penalty for failure to collect and pay over tax.
- Sec. 903. Right of contribution where more than 1 person liable for penalty for failure to collect and pay over tax.
- Sec. 904. Volunteer board members of tax-exempt organizations exempt from penalty for failure to collect and pay over tax.

**TITLE X—MODIFICATIONS OF RULES RELATING TO SUMMONSES**

- Sec. 1001. Enrolled agents included as third-party recordkeepers.
- Sec. 1002. Safeguards relating to designated summonses.
- Sec. 1003. Annual report to Congress concerning designated summonses.

**TITLE XI—RELIEF FROM RETROACTIVE APPLICATION OF TREASURY DEPARTMENT REGULATIONS**

- Sec. 1101. Relief from retroactive application of Treasury Department regulations.

**TITLE XII—MISCELLANEOUS PROVISIONS**

- Sec. 1201. Phone number of person providing payee statements required to be shown on such statement.
- Sec. 1202. Required notice of certain payments.
- Sec. 1203. Unauthorized enticement of information disclosure.
- Sec. 1204. Annual reminders to taxpayers with outstanding delinquent accounts.
- Sec. 1205. 5-year extension of authority for undercover operations.
- Sec. 1206. Disclosure of Form 8300 information on cash transactions.
- Sec. 1207. Disclosure of returns and return information to designee of taxpayer.
- Sec. 1208. Study of netting of interest on overpayments and liabilities.
- Sec. 1209. Expenses of detection of underpayments and fraud, etc.
- Sec. 1210. Use of private delivery services for timely-mailing-as-timely-filing rule.
- Sec. 1211. Reports on misconduct of IRS employees.

**TITLE XIII—REVENUE OFFSETS****Subtitle A—Application of Failure-to-Pay Penalty to Substitute Returns**

- Sec. 1301. Application of failure-to-pay penalty to substitute returns.

**Subtitle B—Excise Taxes on Amounts of Private Excess Benefits**

- Sec. 1311. Excise taxes for failure by certain charitable organizations to meet certain qualification requirements.
- Sec. 1312. Reporting of certain excise taxes and other information.
- Sec. 1313. Exempt organizations required to provide copy of return.
- Sec. 1314. Increase in penalties on exempt organizations for failure to file complete and timely annual returns.

**TITLE I—TAXPAYER ADVOCATE****SEC. 101. ESTABLISHMENT OF POSITION OF TAXPAYER ADVOCATE WITHIN INTERNAL REVENUE SERVICE.**

(a) **GENERAL RULE.**—Section 7802 (relating to Commissioner of Internal Revenue; Assistant Commissioner (Employee Plans and

Establishment.  
Government  
organization.

Exempt Organizations)) is amended by adding at the end the following new subsection:

“(d) OFFICE OF TAXPAYER ADVOCATE.—

“(1) IN GENERAL.—There is established in the Internal Revenue Service an office to be known as the ‘Office of the Taxpayer Advocate’. Such office shall be under the supervision and direction of an official to be known as the ‘Taxpayer Advocate’ who shall be appointed by and report directly to the Commissioner of Internal Revenue. The Taxpayer Advocate shall be entitled to compensation at the same rate as the highest level official reporting directly to the Deputy Commissioner of the Internal Revenue Service.

“(2) FUNCTIONS OF OFFICE.—

“(A) IN GENERAL.—It shall be the function of the Office of Taxpayer Advocate to—

“(i) assist taxpayers in resolving problems with the Internal Revenue Service,

“(ii) identify areas in which taxpayers have problems in dealings with the Internal Revenue Service,

“(iii) to the extent possible, propose changes in the administrative practices of the Internal Revenue Service to mitigate problems identified under clause (ii), and

“(iv) identify potential legislative changes which may be appropriate to mitigate such problems.

“(B) ANNUAL REPORTS.—

“(i) OBJECTIVES.—Not later than June 30 of each calendar year after 1995, the Taxpayer Advocate shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the objectives of the Taxpayer Advocate for the fiscal year beginning in such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information.

“(ii) ACTIVITIES.—Not later than December 31 of each calendar year after 1995, the Taxpayer Advocate shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the activities of the Taxpayer Advocate during the fiscal year ending during such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information, and shall—

“(I) identify the initiatives the Taxpayer Advocate has taken on improving taxpayer services and Internal Revenue Service responsiveness,

“(II) contain recommendations received from individuals with the authority to issue Taxpayer Assistance Orders under section 7811,

“(III) contain a summary of at least 20 of the most serious problems encountered by taxpayers, including a description of the nature of such problems,

“(IV) contain an inventory of the items described in subclauses (I), (II), and (III) for which action has been taken and the result of such action,

“(V) contain an inventory of the items described in subclauses (I), (II), and (III) for which action remains to be completed and the period during which each item has remained on such inventory,

“(VI) contain an inventory of the items described in subclauses (II) and (III) for which no action has been taken, the period during which each item has remained on such inventory, the reasons for the inaction, and identify any Internal Revenue Service official who is responsible for such inaction,

“(VII) identify any Taxpayer Assistance Order which was not honored by the Internal Revenue Service in a timely manner, as specified under section 7811(b),

“(VIII) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by taxpayers,

“(IX) describe the extent to which regional problem resolution officers participate in the selection and evaluation of local problem resolution officers, and

“(X) include such other information as the Taxpayer Advocate may deem advisable.

“(iii) REPORT TO BE SUBMITTED DIRECTLY.—Each report required under this subparagraph shall be provided directly to the Committees referred to in clauses (i) and (ii) without any prior review or comment from the Commissioner, the Secretary of the Treasury, any other officer or employee of the Department of the Treasury, or the Office of Management and Budget.

“(3) RESPONSIBILITIES OF COMMISSIONER.—The Commissioner of Internal Revenue shall establish procedures requiring a formal response to all recommendations submitted to the Commissioner by the Taxpayer Advocate within 3 months after submission to the Commissioner.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 7811 (relating to Taxpayer Assistance Orders) is amended—

(A) by striking “the Office of Ombudsman” in subsection (a) and inserting “the Office of the Taxpayer Advocate”, and

(B) by striking “Ombudsman” each place it appears (including in the headings of subsections (e) and (f)) and inserting “Taxpayer Advocate”.

(2) The heading for section 7802 is amended to read as follows:

**"SEC. 7802. COMMISSIONER OF INTERNAL REVENUE; ASSISTANT COMMISSIONERS; TAXPAYER ADVOCATE."**

(3) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7802 and inserting the following new item:

"Sec. 7802. Commissioner of Internal Revenue; Assistant Commissioners; Taxpayer Advocate."

26 USC 7802  
note.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 102. EXPANSION OF AUTHORITY TO ISSUE TAXPAYER ASSISTANCE ORDERS.**

(a) **TERMS OF ORDERS.**—Subsection (b) of section 7811 (relating to terms of Taxpayer Assistance Orders) is amended—

(1) by inserting "within a specified time period" after "the Secretary", and

(2) by inserting "take any action as permitted by law," after "cease any action,".

(b) **LIMITATION ON AUTHORITY TO MODIFY OR RESCIND.**—Section 7811(c) (relating to authority to modify or rescind) is amended to read as follows:

"(c) **AUTHORITY TO MODIFY OR RESCIND.**—Any Taxpayer Assistance Order issued by the Taxpayer Advocate under this section may be modified or rescinded—

"(1) only by the Taxpayer Advocate, the Commissioner of Internal Revenue, or the Deputy Commissioner of Internal Revenue, and

"(2) only if a written explanation of the reasons for the modification or rescission is provided to the Taxpayer Advocate."

26 USC 7811  
note.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

**TITLE II—MODIFICATIONS TO INSTALLMENT AGREEMENT PROVISIONS****SEC. 201. NOTIFICATION OF REASONS FOR TERMINATION OF INSTALLMENT AGREEMENTS.**

(a) **TERMINATIONS.**—Subsection (b) of section 6159 (relating to extent to which agreements remain in effect) is amended by adding at the end the following new paragraph:

"(5) **NOTICE REQUIREMENTS.**—The Secretary may not take any action under paragraph (2), (3), or (4) unless—

"(A) a notice of such action is provided to the taxpayer not later than the day 30 days before the date of such action, and

"(B) such notice includes an explanation why the Secretary intends to take such action.

The preceding sentence shall not apply in any case in which the Secretary believes that collection of any tax to which an agreement under this section relates is in jeopardy."

(b) **CONFORMING AMENDMENT.**—Paragraph (3) of section 6159(b) is amended to read as follows:

"(3) **SUBSEQUENT CHANGE IN FINANCIAL CONDITIONS.**—If the Secretary makes a determination that the financial condition

of a taxpayer with whom the Secretary has entered into an agreement under subsection (a) has significantly changed, the Secretary may alter, modify, or terminate such agreement.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date 6 months after the date of the enactment of this Act. 26 USC 6159 note.

#### SEC. 202. ADMINISTRATIVE REVIEW OF TERMINATION OF INSTALLMENT AGREEMENT.

(a) GENERAL RULE.—Section 6159 (relating to agreements for payment of tax liability in installments) is amended by adding at the end the following new subsection:

“(c) ADMINISTRATIVE REVIEW.—The Secretary shall establish procedures for an independent administrative review of terminations of installment agreements under this section for taxpayers who request such a review.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1997. 26 USC 6159 note.

### TITLE III—ABATEMENT OF INTEREST AND PENALTIES

#### SEC. 301. EXPANSION OF AUTHORITY TO ABATE INTEREST.

(a) GENERAL RULE.—Paragraph (1) of section 6404(e) (relating to abatement of interest in certain cases) is amended—

(1) by inserting “unreasonable” before “error” each place it appears in subparagraphs (A) and (B), and

(2) by striking “in performing a ministerial act” each place it appears and inserting “in performing a ministerial or managerial act”.

(b) CLERICAL AMENDMENT.—The subsection heading for subsection (e) of section 6404 is amended—

(1) by striking “ASSESSMENTS” and inserting “ABATEMENT”, and

(2) by inserting “UNREASONABLE” before “ERRORS”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interest accruing with respect to deficiencies or payments for taxable years beginning after the date of the enactment of this Act. 26 USC 6404 note.

#### SEC. 302. REVIEW OF IRS FAILURE TO ABATE INTEREST.

(a) IN GENERAL.—Section 6404 is amended by adding at the end the following new subsection:

“(g) REVIEW OF DENIAL OF REQUEST FOR ABATEMENT OF INTEREST.—

“(1) IN GENERAL.—The Tax Court shall have jurisdiction over any action brought by a taxpayer who meets the requirements referred to in section 7430(c)(4)(A)(iii) to determine whether the Secretary’s failure to abate interest under this section was an abuse of discretion, and may order an abatement, if such action is brought within 180 days after the date of the mailing of the Secretary’s final determination not to abate such interest. Courts.

“(2) SPECIAL RULES.—

Applicability.

“(A) DATE OF MAILING.—Rules similar to the rules of section 6213 shall apply for purposes of determining the date of the mailing referred to in paragraph (1).

“(B) RELIEF.—Rules similar to the rules of section 6512(b) shall apply for purposes of this subsection.

“(C) REVIEW.—An order of the Tax Court under this subsection shall be reviewable in the same manner as a decision of the Tax Court, but only with respect to the matters determined in such order.”.

26 USC 6404  
note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests for abatement after the date of the enactment of this Act.

**SEC. 303. EXTENSION OF INTEREST-FREE PERIOD FOR PAYMENT OF TAX AFTER NOTICE AND DEMAND.**

(a) GENERAL RULE.—Paragraph (3) of section 6601(e) (relating to payments made within 10 days after notice and demand) is amended to read as follows:

“(3) PAYMENTS MADE WITHIN SPECIFIED PERIOD AFTER NOTICE AND DEMAND.—If notice and demand is made for payment of any amount and if such amount is paid within 21 calendar days (10 business days if the amount for which such notice and demand is made equals or exceeds \$100,000) after the date of such notice and demand, interest under this section on the amount so paid shall not be imposed for the period after the date of such notice and demand.”.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 6601(e)(2) is amended by striking “10 days from the date of notice and demand therefor” and inserting “21 calendar days from the date of notice and demand therefor (10 business days if the amount for which such notice and demand is made equals or exceeds \$100,000)”.

(2) Paragraph (3) of section 6651(a) is amended by striking “10 days of the date of the notice and demand therefor” and inserting “21 calendar days from the date of notice and demand therefor (10 business days if the amount for which such notice and demand is made equals or exceeds \$100,000)”.

26 USC 6601  
note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply in the case of any notice and demand given after December 31, 1996.

**SEC. 304. ABATEMENT OF PENALTY FOR FAILURE TO MAKE REQUIRED DEPOSITS OF PAYROLL TAXES IN CERTAIN CASES.**

(a) IN GENERAL.—Section 6656 (relating to failure to make deposit of taxes) is amended by adding at the end the following new subsections:

“(c) EXCEPTION FOR FIRST-TIME DEPOSITORS OF EMPLOYMENT TAXES.—The Secretary may waive the penalty imposed by subsection (a) on a person’s inadvertent failure to deposit any employment tax if—

“(1) such person meets the requirements referred to in section 7430(c)(4)(A)(iii),

“(2) such failure occurs during the 1st quarter that such person was required to deposit any employment tax, and

“(3) the return of such tax was filed on or before the due date.

For purposes of this subsection, the term ‘employment taxes’ means the taxes imposed by subtitle C.

“(d) **AUTHORITY TO ABATE PENALTY WHERE DEPOSIT SENT TO SECRETARY.**—The Secretary may abate the penalty imposed by subsection (a) with respect to the first time a depositor is required to make a deposit if the amount required to be deposited is inadvertently sent to the Secretary instead of to the appropriate government depository.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to deposits required to be made after the date of the enactment of this Act.

26 USC 6656  
note.

## TITLE IV—JOINT RETURNS

### SEC. 401. STUDIES OF JOINT RETURN-RELATED ISSUES.

The Secretary of the Treasury or his delegate and the Comptroller General of the United States shall each conduct separate studies of—

(1) the effects of changing the liability for tax on a joint return from being joint and several to being proportionate to the tax attributable to each spouse,

(2) the effects of providing that, if a divorce decree allocates liability for tax on a joint return filed before the divorce, the Secretary may collect such liability only in accordance with the decree,

(3) whether those provisions of the Internal Revenue Code of 1986 intended to provide relief to innocent spouses provide meaningful relief in all cases where such relief is appropriate, and

(4) the effect of providing that community income (as defined in section 66(d) of such Code) which, in accordance with the rules contained in section 879(a) of such Code, would be treated as the income of one spouse is exempt from a levy for failure to pay any tax imposed by subtitle A by the other spouse for a taxable year ending before their marriage.

The reports of such studies shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate within 6 months after the date of the enactment of this Act.

Reports.

### SEC. 402. JOINT RETURN MAY BE MADE AFTER SEPARATE RETURNS WITHOUT FULL PAYMENT OF TAX.

(a) **GENERAL RULE.**—Paragraph (2) of section 6013(b) (relating to limitations on filing of joint return after filing separate returns) is amended by striking subparagraph (A) and redesignating the following subparagraphs accordingly.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

26 USC 6013  
note.

### SEC. 403. DISCLOSURE OF COLLECTION ACTIVITIES.

(a) **IN GENERAL.**—Subsection (e) of section 6103 (relating to disclosure to persons having material interest) is amended by adding at the end the following new paragraph:

“(8) **DISCLOSURE OF COLLECTION ACTIVITIES WITH RESPECT TO JOINT RETURN.**—If any deficiency of tax with respect to a joint return is assessed and the individuals filing such return are no longer married or no longer reside in the same household, upon request in writing by either of such individuals,

26 USC 6103  
note.

the Secretary shall disclose in writing to the individual making the request whether the Secretary has attempted to collect such deficiency from such other individual, the general nature of such collection activities, and the amount collected. The preceding sentence shall not apply to any deficiency which may not be collected by reason of section 6502.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

## TITLE V—COLLECTION ACTIVITIES

### SEC. 501. MODIFICATIONS TO LIEN AND LEVY PROVISIONS.

(a) WITHDRAWAL OF CERTAIN NOTICES.—Section 6323 (relating to validity and priority against certain persons) is amended by adding at the end the following new subsection:

“(j) WITHDRAWAL OF NOTICE IN CERTAIN CIRCUMSTANCES.—

“(1) IN GENERAL.—The Secretary may withdraw a notice of a lien filed under this section and this chapter shall be applied as if the withdrawn notice had not been filed, if the Secretary determines that—

“(A) the filing of such notice was premature or otherwise not in accordance with administrative procedures of the Secretary,

“(B) the taxpayer has entered into an agreement under section 6159 to satisfy the tax liability for which the lien was imposed by means of installment payments, unless such agreement provides otherwise,

“(C) the withdrawal of such notice will facilitate the collection of the tax liability, or

“(D) with the consent of the taxpayer or the Taxpayer Advocate, the withdrawal of such notice would be in the best interests of the taxpayer (as determined by the Taxpayer Advocate) and the United States.

Any such withdrawal shall be made by filing notice at the same office as the withdrawn notice. A copy of such notice of withdrawal shall be provided to the taxpayer.

“(2) NOTICE TO CREDIT AGENCIES, ETC.—Upon written request by the taxpayer with respect to whom a notice of a lien was withdrawn under paragraph (1), the Secretary shall promptly make reasonable efforts to notify credit reporting agencies, and any financial institution or creditor whose name and address is specified in such request, of the withdrawal of such notice. Any such request shall be in such form as the Secretary may prescribe.”

(b) RETURN OF LEVIED PROPERTY IN CERTAIN CASES.—Section 6343 (relating to authority to release levy and return property) is amended by adding at the end the following new subsection:

“(d) RETURN OF PROPERTY IN CERTAIN CASES.—If—

“(1) any property has been levied upon, and

“(2) the Secretary determines that—

“(A) the levy on such property was premature or otherwise not in accordance with administrative procedures of the Secretary,

“(B) the taxpayer has entered into an agreement under section 6159 to satisfy the tax liability for which the levy

was imposed by means of installment payments, unless such agreement provides otherwise,

“(C) the return of such property will facilitate the collection of the tax liability, or

“(D) with the consent of the taxpayer or the Taxpayer Advocate, the return of such property would be in the best interests of the taxpayer (as determined by the Taxpayer Advocate) and the United States,

the provisions of subsection (b) shall apply in the same manner as if such property had been wrongly levied upon, except that no interest shall be allowed under subsection (c).”

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

26 USC 6323  
note.

#### SEC. 502. MODIFICATIONS TO CERTAIN LEVY EXEMPTION AMOUNTS.

(a) FUEL, ETC.—Paragraph (2) of section 6334(a) (relating to fuel, provisions, furniture, and personal effects exempt from levy) is amended—

(1) by striking “If the taxpayer is the head of a family, so” and inserting “So”,

(2) by striking “his household” and inserting “the taxpayer’s household”, and

(3) by striking “\$1,650 (\$1,550 in the case of levies issued during 1989)” and inserting “\$2,500”.

(b) BOOKS, ETC.—Paragraph (3) of section 6334(a) (relating to books and tools of a trade, business, or profession) is amended by striking “\$1,100 (\$1,050 in the case of levies issued during 1989)” and inserting “\$1,250”.

(c) INFLATION ADJUSTMENT.—Section 6334 (relating to property exempt from levy) is amended by adding at the end the following new subsection:

“(f) INFLATION ADJUSTMENT.—

“(1) IN GENERAL.—In the case of any calendar year beginning after 1997, each dollar amount referred to in paragraphs (2) and (3) of subsection (a) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, by substituting ‘calendar year 1996’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any dollar amount after being increased under paragraph (1) is not a multiple of \$10, such dollar amount shall be rounded to the nearest multiple of \$10.”

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect with respect to levies issued after December 31, 1996.

26 USC 6334  
note.

#### SEC. 503. OFFERS-IN-COMPROMISE.

(a) REVIEW REQUIREMENTS.—Subsection (b) of section 7122 (relating to records) is amended by striking “\$500.” and inserting “\$50,000. However, such compromise shall be subject to continuing quality review by the Secretary.”

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

26 USC 7122  
note.

## TITLE VI—INFORMATION RETURNS

### SEC. 601. CIVIL DAMAGES FOR FRAUDULENT FILING OF INFORMATION RETURNS.

(a) **GENERAL RULE.**—Subchapter B of chapter 76 (relating to proceedings by taxpayers and third parties) is amended by redesignating section 7434 as section 7435 and by inserting after section 7433 the following new section:

#### “SEC. 7434. CIVIL DAMAGES FOR FRAUDULENT FILING OF INFORMATION RETURNS.

“(a) **IN GENERAL.**—If any person willfully files a fraudulent information return with respect to payments purported to be made to any other person, such other person may bring a civil action for damages against the person so filing such return.

“(b) **DAMAGES.**—In any action brought under subsection (a), upon a finding of liability on the part of the defendant, the defendant shall be liable to the plaintiff in an amount equal to the greater of \$5,000 or the sum of—

“(1) any actual damages sustained by the plaintiff as a proximate result of the filing of the fraudulent information return (including any costs attributable to resolving deficiencies asserted as a result of such filing),

“(2) the costs of the action, and

“(3) in the court’s discretion, reasonable attorneys fees.

“(c) **PERIOD FOR BRINGING ACTION.**—Notwithstanding any other provision of law, an action to enforce the liability created under this section may be brought without regard to the amount in controversy and may be brought only within the later of—

“(1) 6 years after the date of the filing of the fraudulent information return, or

“(2) 1 year after the date such fraudulent information return would have been discovered by exercise of reasonable care.

“(d) **COPY OF COMPLAINT FILED WITH IRS.**—Any person bringing an action under subsection (a) shall provide a copy of the complaint to the Internal Revenue Service upon the filing of such complaint with the court.

“(e) **FINDING OF COURT TO INCLUDE CORRECT AMOUNT OF PAYMENT.**—The decision of the court awarding damages in an action brought under subsection (a) shall include a finding of the correct amount which should have been reported in the information return.

“(f) **INFORMATION RETURN.**—For purposes of this section, the term ‘information return’ means any statement described in section 6724(d)(1)(A).”.

(b) **CLERICAL AMENDMENT.**—The table of sections for subchapter B of chapter 76 is amended by striking the item relating to section 7434 and inserting the following:

“Sec. 7434. Civil damages for fraudulent filing of information returns.

“Sec. 7435. Cross references.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fraudulent information returns filed after the date of the enactment of this Act.

**SEC. 602. REQUIREMENT TO CONDUCT REASONABLE INVESTIGATIONS OF INFORMATION RETURNS.**

(a) **GENERAL RULE.**—Section 6201 (relating to assessment authority) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

“(d) **REQUIRED REASONABLE VERIFICATION OF INFORMATION RETURNS.**—In any court proceeding, if a taxpayer asserts a reasonable dispute with respect to any item of income reported on an information return filed with the Secretary under subpart B or C of part III of subchapter A of chapter 61 by a third party and the taxpayer has fully cooperated with the Secretary (including providing, within a reasonable period of time, access to and inspection of all witnesses, information, and documents within the control of the taxpayer as reasonably requested by the Secretary), the Secretary shall have the burden of producing reasonable and probative information concerning such deficiency in addition to such information return.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

26 USC 6201  
note.

## **TITLE VII—AWARDING OF COSTS AND CERTAIN FEES**

**SEC. 701. UNITED STATES MUST ESTABLISH THAT ITS POSITION IN PROCEEDING WAS SUBSTANTIALLY JUSTIFIED.**

(a) **GENERAL RULE.**—Subparagraph (A) of section 7430(c)(4) (defining prevailing party) is amended by striking clause (i) and by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(b) **BURDEN OF PROOF ON UNITED STATES.**—Paragraph (4) of section 7430(c) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

“(B) **EXCEPTION IF UNITED STATES ESTABLISHES THAT ITS POSITION WAS SUBSTANTIALLY JUSTIFIED.**—

“(i) **GENERAL RULE.**—A party shall not be treated as the prevailing party in a proceeding to which subsection (a) applies if the United States establishes that the position of the United States in the proceeding was substantially justified.

“(ii) **PRESUMPTION OF NO JUSTIFICATION IF INTERNAL REVENUE SERVICE DID NOT FOLLOW CERTAIN PUBLISHED GUIDANCE.**—For purposes of clause (i), the position of the United States shall be presumed not to be substantially justified if the Internal Revenue Service did not follow its applicable published guidance in the administrative proceeding. Such presumption may be rebutted.

“(iii) **APPLICABLE PUBLISHED GUIDANCE.**—For purposes of clause (ii), the term ‘applicable published guidance’ means—

“(I) regulations, revenue rulings, revenue procedures, information releases, notices, and announcements, and

“(II) any of the following which are issued to the taxpayer: private letter rulings, technical advice memoranda, and determination letters.”.

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 7430(c)(2) is amended by striking “paragraph (4)(B)” and inserting “paragraph (4)(C)”.

(2) Subparagraph (C) of section 7430(c)(4), as redesignated by subsection (b), is amended by striking “subparagraph (A)” and inserting “this paragraph”.

(3) Sections 6404(g) and 6656(c)(1), as amended by this Act, are each amended by striking “section 7430(c)(4)(A)(iii)” and inserting “section 7430(c)(4)(A)(ii)”.

26 USC 6404  
note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply in the case of proceedings commenced after the date of the enactment of this Act.

**SEC. 702. INCREASED LIMIT ON ATTORNEY FEES.**

(a) IN GENERAL.—Paragraph (1) of section 7430(c) (defining reasonable litigation costs) is amended—

(1) by striking “\$75” in clause (iii) of subparagraph (B) and inserting “\$110”,

(2) by striking “an increase in the cost of living or” in clause (iii) of subparagraph (B), and

(3) by adding after clause (iii) the following:

“In the case of any calendar year beginning after 1996, the dollar amount referred to in clause (iii) shall be increased by an amount equal to such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, by substituting ‘calendar year 1995’ for ‘calendar year 1992’ in subparagraph (B) thereof. If any dollar amount after being increased under the preceding sentence is not a multiple of \$10, such dollar amount shall be rounded to the nearest multiple of \$10.”

26 USC 7430  
note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply in the case of proceedings commenced after the date of the enactment of this Act.

**SEC. 703. FAILURE TO AGREE TO EXTENSION NOT TAKEN INTO ACCOUNT.**

(a) IN GENERAL.—Paragraph (1) of section 7430(b) (relating to requirement that administrative remedies be exhausted) is amended by adding at the end the following new sentence: “Any failure to agree to an extension of the time for the assessment of any tax shall not be taken into account for purposes of determining whether the prevailing party meets the requirements of the preceding sentence.”

26 USC 7430  
note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply in the case of proceedings commenced after the date of the enactment of this Act.

**SEC. 704. AWARD OF LITIGATION COSTS PERMITTED IN DECLARATORY JUDGMENT PROCEEDINGS.**

(a) IN GENERAL.—Subsection (b) of section 7430 is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

26 USC 7430  
note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply in the case of proceedings commenced after the date of the enactment of this Act.

## **TITLE VIII—MODIFICATION TO RECOVERY OF CIVIL DAMAGES FOR UNAUTHORIZED COLLECTION ACTIONS**

### **SEC. 801. INCREASE IN LIMIT ON RECOVERY OF CIVIL DAMAGES FOR UNAUTHORIZED COLLECTION ACTIONS.**

(a) **GENERAL RULE.**—Subsection (b) of section 7433 (relating to damages) is amended by striking “\$100,000” and inserting “\$1,000,000”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to actions by officers or employees of the Internal Revenue Service after the date of the enactment of this Act.

26 USC 7433  
note.

### **SEC. 802. COURT DISCRETION TO REDUCE AWARD FOR LITIGATION COSTS FOR FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES.**

(a) **GENERAL RULE.**—Paragraph (1) of section 7433(d) (relating to civil damages for certain unauthorized collection actions) is amended to read as follows:

“(1) **AWARD FOR DAMAGES MAY BE REDUCED IF ADMINISTRATIVE REMEDIES NOT EXHAUSTED.**—The amount of damages awarded under subsection (b) may be reduced if the court determines that the plaintiff has not exhausted the administrative remedies available to such plaintiff within the Internal Revenue Service.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply in the case of proceedings commenced after the date of the enactment of this Act.

26 USC 7433  
note.

## **TITLE IX—MODIFICATIONS TO PENALTY FOR FAILURE TO COLLECT AND PAY OVER TAX**

### **SEC. 901. PRELIMINARY NOTICE REQUIREMENT.**

(a) **IN GENERAL.**—Section 6672 (relating to failure to collect and pay over tax, or attempt to evade or defeat tax) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

“(b) **PRELIMINARY NOTICE REQUIREMENT.**—

“(1) **IN GENERAL.**—No penalty shall be imposed under subsection (a) unless the Secretary notifies the taxpayer in writing by mail to an address as determined under section 6212(b) that the taxpayer shall be subject to an assessment of such penalty.

“(2) **TIMING OF NOTICE.**—The mailing of the notice described in paragraph (1) shall precede any notice and demand of any penalty under subsection (a) by at least 60 days.

“(3) **STATUTE OF LIMITATIONS.**—If a notice described in paragraph (1) with respect to any penalty is mailed before the expiration of the period provided by section 6501 for the assessment of such penalty (determined without regard to this paragraph), the period provided by such section for the assessment of such penalty shall not expire before the later of—

“(A) the date 90 days after the date on which such notice was mailed, or

“(B) if there is a timely protest of the proposed assessment, the date 30 days after the Secretary makes a final administrative determination with respect to such protest.

“(4) EXCEPTION FOR JEOPARDY.—This subsection shall not apply if the Secretary finds that the collection of the penalty is in jeopardy.”.

26 USC 6672  
note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to proposed assessments made after June 30, 1996.

**SEC. 902. DISCLOSURE OF CERTAIN INFORMATION WHERE MORE THAN 1 PERSON LIABLE FOR PENALTY FOR FAILURE TO COLLECT AND PAY OVER TAX.**

(a) IN GENERAL.—Subsection (e) of section 6103 (relating to disclosure to persons having material interest), as amended by section 403, is amended by adding at the end the following new paragraph:

“(9) DISCLOSURE OF CERTAIN INFORMATION WHERE MORE THAN 1 PERSON SUBJECT TO PENALTY UNDER SECTION 6672.—If the Secretary determines that a person is liable for a penalty under section 6672(a) with respect to any failure, upon request in writing of such person, the Secretary shall disclose in writing to such person—

“(A) the name of any other person whom the Secretary has determined to be liable for such penalty with respect to such failure, and

“(B) whether the Secretary has attempted to collect such penalty from such other person, the general nature of such collection activities, and the amount collected.”.

26 USC 6103  
note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

**SEC. 903. RIGHT OF CONTRIBUTION WHERE MORE THAN 1 PERSON LIABLE FOR PENALTY FOR FAILURE TO COLLECT AND PAY OVER TAX.**

(a) IN GENERAL.—Section 6672 (relating to failure to collect and pay over tax, or attempt to evade or defeat tax) is amended by adding at the end the following new subsection:

“(d) RIGHT OF CONTRIBUTION WHERE MORE THAN 1 PERSON LIABLE FOR PENALTY.—If more than 1 person is liable for the penalty under subsection (a) with respect to any tax, each person who paid such penalty shall be entitled to recover from other persons who are liable for such penalty an amount equal to the excess of the amount paid by such person over such person's proportionate share of the penalty. Any claim for such a recovery may be made only in a proceeding which is separate from, and is not joined or consolidated with—

“(1) an action for collection of such penalty brought by the United States, or

“(2) a proceeding in which the United States files a counterclaim or third-party complaint for the collection of such penalty.”.

26 USC 6672  
note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to penalties assessed after the date of the enactment of this Act.

**SEC. 904. VOLUNTEER BOARD MEMBERS OF TAX-EXEMPT ORGANIZATIONS EXEMPT FROM PENALTY FOR FAILURE TO COLLECT AND PAY OVER TAX.**

(a) **IN GENERAL.**—Section 6672 is amended by adding at the end the following new subsection:

“(e) **EXCEPTION FOR VOLUNTARY BOARD MEMBERS OF TAX-EXEMPT ORGANIZATIONS.**—No penalty shall be imposed by subsection (a) on any unpaid, volunteer member of any board of trustees or directors of an organization exempt from tax under subtitle A if such member—

“(1) is solely serving in an honorary capacity,

“(2) does not participate in the day-to-day or financial operations of the organization, and

“(3) does not have actual knowledge of the failure on which such penalty is imposed.

The preceding sentence shall not apply if it results in no person being liable for the penalty imposed by subsection (a).”.

(b) **PUBLIC INFORMATION REQUIREMENTS.**—

26 USC 6672  
note.

(1) **IN GENERAL.**—The Secretary of the Treasury or the Secretary's delegate (hereafter in this subsection referred to as the “Secretary”) shall take such actions as may be appropriate to ensure that employees are aware of their responsibilities under the Federal tax depository system, the circumstances under which employees may be liable for the penalty imposed by section 6672 of the Internal Revenue Code of 1986, and the responsibility to promptly report to the Internal Revenue Service any failure referred to in subsection (a) of such section 6672. Such actions shall include—

(A) printing of a warning on deposit coupon booklets and the appropriate tax returns that certain employees may be liable for the penalty imposed by such section 6672, and

(B) the development of a special information packet.

(2) **DEVELOPMENT OF EXPLANATORY MATERIALS.**—The Secretary shall develop materials explaining the circumstances under which board members of tax-exempt organizations (including voluntary and honorary members) may be subject to penalty under section 6672 of such Code. Such materials shall be made available to tax-exempt organizations.

(3) **IRS INSTRUCTIONS.**—The Secretary shall clarify the instructions to Internal Revenue Service employees on the application of the penalty under section 6672 of such Code with regard to voluntary members of boards of trustees or directors of tax-exempt organizations.

## **TITLE X—MODIFICATIONS OF RULES RELATING TO SUMMONSES**

**SEC. 1001. ENROLLED AGENTS INCLUDED AS THIRD-PARTY RECORD-KEEPERS.**

(a) **IN GENERAL.**—Paragraph (3) of section 7609(a) (relating to third-party recordkeeper defined) is amended by striking “and” at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting “, and”, and by adding at the end the following the subparagraph:

26 USC 7609  
note.

“(I) any enrolled agent.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to summonses issued after the date of the enactment of this Act.

**SEC. 1002. SAFEGUARDS RELATING TO DESIGNATED SUMMONSES.**

(a) **STANDARD OF REVIEW.**—Subparagraph (A) of section 6503(k)(2) (defining designated summons) is amended by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively, and by inserting before clause (ii) (as so redesignated) the following new clause:

“(i) the issuance of such summons is preceded by a review of such issuance by the regional counsel of the Office of Chief Counsel for the region in which the examination of the corporation is being conducted.”

(b) **LIMITATION ON PERSONS TO WHOM DESIGNATED SUMMONS MAY BE ISSUED.**—Paragraph (1) of section 6503(k) is amended by striking “with respect to any return of tax by a corporation” and inserting “to a corporation (or to any other person to whom the corporation has transferred records) with respect to any return of tax by such corporation for a taxable year (or other period) for which such corporation is being examined under the coordinated examination program (or any successor program) of the Internal Revenue Service”.

(c) **CLERICAL AMENDMENT.**—Section 6503 is amended by redesignating subsections (k) and (l) (as amended by this section) as subsections (j) and (k), respectively.

26 USC 6503  
note.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to summonses issued after the date of the enactment of this Act.

26 USC 6503  
note.

**SEC. 1003. ANNUAL REPORT TO CONGRESS CONCERNING DESIGNATED SUMMONSES.**

Not later than December 31 of each calendar year after 1995, the Secretary of the Treasury or his delegate shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the number of designated summonses (as defined in section 6503(j) of the Internal Revenue Code of 1986) which were issued during the preceding 12 months.

## **TITLE XI—RELIEF FROM RETROACTIVE APPLICATION OF TREASURY DEPARTMENT REGULATIONS**

**SEC. 1101. RELIEF FROM RETROACTIVE APPLICATION OF TREASURY DEPARTMENT REGULATIONS.**

(a) **IN GENERAL.**—Subsection (b) of section 7805 (relating to rules and regulations) is amended to read as follows:

“(b) **RETROACTIVITY OF REGULATIONS.**—

“(1) **IN GENERAL.**—Except as otherwise provided in this subsection, no temporary, proposed, or final regulation relating to the internal revenue laws shall apply to any taxable period ending before the earliest of the following dates:

“(A) The date on which such regulation is filed with the Federal Register.

“(B) In the case of any final regulation, the date on which any proposed or temporary regulation to which such final regulation relates was filed with the Federal Register.

“(C) The date on which any notice substantially describing the expected contents of any temporary, proposed, or final regulation is issued to the public.

“(2) EXCEPTION FOR PROMPTLY ISSUED REGULATIONS.—Paragraph (1) shall not apply to regulations filed or issued within 18 months of the date of the enactment of the statutory provision to which the regulation relates.

“(3) PREVENTION OF ABUSE.—The Secretary may provide that any regulation may take effect or apply retroactively to prevent abuse.

“(4) CORRECTION OF PROCEDURAL DEFECTS.—The Secretary may provide that any regulation may apply retroactively to correct a procedural defect in the issuance of any prior regulation.

“(5) INTERNAL REGULATIONS.—The limitation of paragraph (1) shall not apply to any regulation relating to internal Treasury Department policies, practices, or procedures.

“(6) CONGRESSIONAL AUTHORIZATION.—The limitation of paragraph (1) may be superseded by a legislative grant from Congress authorizing the Secretary to prescribe the effective date with respect to any regulation.

“(7) ELECTION TO APPLY RETROACTIVELY.—The Secretary may provide for any taxpayer to elect to apply any regulation before the dates specified in paragraph (1).

“(8) APPLICATION TO RULINGS.—The Secretary may prescribe the extent, if any, to which any ruling (including any judicial decision or any administrative determination other than by regulation) relating to the internal revenue laws shall be applied without retroactive effect.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to regulations which relate to statutory provisions enacted on or after the date of the enactment of this Act.

26 USC 7805  
note.

## **TITLE XII—MISCELLANEOUS PROVISIONS**

### **SEC. 1201. PHONE NUMBER OF PERSON PROVIDING PAYEE STATEMENTS REQUIRED TO BE SHOWN ON SUCH STATEMENT.**

(a) GENERAL RULE.—The following provisions are each amended by striking “name and address” and inserting “name, address, and phone number of the information contact”:

- (1) Section 6041(d)(1).
- (2) Section 6041A(e)(1).
- (3) Section 6042(c)(1).
- (4) Section 6044(e)(1).
- (5) Section 6045(b)(1).
- (6) Section 6049(c)(1)(A).
- (7) Section 6050B(b)(1).
- (8) Section 6050H(d)(1).
- (9) Section 6050I(e)(1).

- (10) Section 6050J(e).
- (11) Section 6050K(b)(1).
- (12) Section 6050N(b)(1).

26 USC 6041  
note.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to statements required to be furnished after December 31, 1996 (determined without regard to any extension).

26 USC 6311  
note.

**SEC. 1202. REQUIRED NOTICE OF CERTAIN PAYMENTS.**

If any payment is received by the Secretary of the Treasury or his delegate from any taxpayer and the Secretary cannot associate such payment with such taxpayer, the Secretary shall make reasonable efforts to notify the taxpayer of such inability within 60 days after the receipt of such payment.

**SEC. 1203. UNAUTHORIZED ENTICEMENT OF INFORMATION DISCLOSURE.**

(a) **IN GENERAL.**—Subchapter B of chapter 76 (relating to proceedings by taxpayers and third parties), as amended by section 601(a), is amended by redesignating section 7435 as section 7436 and by inserting after section 7434 the following new section:

**“SEC. 7435. CIVIL DAMAGES FOR UNAUTHORIZED ENTICEMENT OF INFORMATION DISCLOSURE.**

“(a) **IN GENERAL.**—If any officer or employee of the United States intentionally compromises the determination or collection of any tax due from an attorney, certified public accountant, or enrolled agent representing a taxpayer in exchange for information conveyed by the taxpayer to the attorney, certified public accountant, or enrolled agent for purposes of obtaining advice concerning the taxpayer's tax liability, such taxpayer may bring a civil action for damages against the United States in a district court of the United States. Such civil action shall be the exclusive remedy for recovering damages resulting from such actions.

“(b) **DAMAGES.**—In any action brought under subsection (a), upon a finding of liability on the part of the defendant, the defendant shall be liable to the plaintiff in an amount equal to the lesser of \$500,000 or the sum of—

- “(1) actual, direct economic damages sustained by the plaintiff as a proximate result of the information disclosure, and
- “(2) the costs of the action.

Damages shall not include the taxpayer's liability for any civil or criminal penalties, or other losses attributable to incarceration or the imposition of other criminal sanctions.

“(c) **PAYMENT AUTHORITY.**—Claims pursuant to this section shall be payable out of funds appropriated under section 1304 of title 31, United States Code.

“(d) **PERIOD FOR BRINGING ACTION.**—Notwithstanding any other provision of law, an action to enforce liability created under this section may be brought without regard to the amount in controversy and may be brought only within 2 years after the date the actions creating such liability would have been discovered by exercise of reasonable care.

“(e) **MANDATORY STAY.**—Upon a certification by the Commissioner or the Commissioner's delegate that there is an ongoing investigation or prosecution of the taxpayer, the district court before which an action under this section is pending shall stay all proceedings with respect to such action pending the conclusion of the investigation or prosecution.

“(f) CRIME-FRAUD EXCEPTION.—Subsection (a) shall not apply to information conveyed to an attorney, certified public accountant, or enrolled agent for the purpose of perpetrating a fraud or crime.”.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 76, as amended by section 601(b), is amended by striking the item relating to section 7435 and by adding at the end the following new items:

“Sec. 7435. Civil damages for unauthorized enticement of information disclosure.

“Sec. 7436. Cross references.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions after the date of the enactment of this Act. 26 USC 7435 note.

#### **SEC. 1204. ANNUAL REMINDERS TO TAXPAYERS WITH OUTSTANDING DELINQUENT ACCOUNTS.**

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

##### **“SEC. 7524. ANNUAL NOTICE OF TAX DELINQUENCY.**

“Not less often than annually, the Secretary shall send a written notice to each taxpayer who has a tax delinquent account of the amount of the tax delinquency as of the date of the notice.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new item:

“Sec. 7524. Annual notice of tax delinquency.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 1996. 26 USC 7524 note.

#### **SEC. 1205. 5-YEAR EXTENSION OF AUTHORITY FOR UNDERCOVER OPERATIONS.**

(a) IN GENERAL.—Paragraph (3) of section 7601(c) of the Anti-Drug Abuse Act of 1988 is amended by striking all that follows “this Act” and inserting a period.

(b) RESTORATION OF AUTHORITY FOR 5 YEARS.—Subsection (c) of section 7608 is amended by adding at the end the following new paragraph:

“(6) APPLICATION OF SECTION.—The provisions of this subsection—

“(A) shall apply after November 17, 1988, and before January 1, 1990, and

“(B) shall apply after the date of the enactment of this paragraph and before January 1, 2001.

All amounts expended pursuant to this subsection during the period described in subparagraph (B) shall be recovered to the extent possible, and deposited in the Treasury of the United States as miscellaneous receipts, before January 1, 2001.”.

(c) ENHANCED OVERSIGHT.—

(1) ADDITIONAL INFORMATION REQUIRED IN REPORTS TO CONGRESS.—Subparagraph (B) of section 7608(c)(4) is amended—

(A) by striking “preceding the period” in clause (ii),

(B) by striking “and” at the end of clause (ii), and

(C) by striking clause (iii) and inserting the following:

“(iii) the number, by programs, of undercover investigative operations closed in the 1-year period for which such report is submitted, and

“(iv) the following information with respect to each undercover investigative operation pending as of the

end of the 1-year period for which such report is submitted or closed during such 1-year period—

“(I) the date the operation began and the date of the certification referred to in the last sentence of paragraph (1),

“(II) the total expenditures under the operation and the amount and use of the proceeds from the operation,

“(III) a detailed description of the operation including the potential violation being investigated and whether the operation is being conducted under grand jury auspices, and

“(IV) the results of the operation including the results of criminal proceedings.”.

(2) AUDITS REQUIRED WITHOUT REGARD TO AMOUNTS INVOLVED.—Subparagraph (C) of section 7608(c)(5) is amended to read as follows:

“(C) UNDERCOVER INVESTIGATIVE OPERATION.—The term ‘undercover investigative operation’ means any undercover investigative operation of the Service; except that, for purposes of subparagraphs (A) and (C) of paragraph (4), such term only includes an operation which is exempt from section 3302 or 9102 of title 31, United States Code.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

26 USC 7608  
note.

#### SEC. 1206. DISCLOSURE OF FORM 8300 INFORMATION ON CASH TRANSACTIONS.

(a) IN GENERAL.—Subsection (l) of section 6103 (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

“(15) DISCLOSURE OF RETURNS FILED UNDER SECTION 6050I.—The Secretary may, upon written request, disclose to officers and employees of—

“(A) any Federal agency,

“(B) any agency of a State or local government, or

“(C) any agency of the government of a foreign country, information contained on returns filed under section 6050I. Any such disclosure shall be made on the same basis, and subject to the same conditions, as apply to disclosures of information on reports filed under section 5313 of title 31, United States Code; except that no disclosure under this paragraph shall be made for purposes of the administration of any tax law.”.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (i) of section 6103 is amended by striking paragraph (8).

(2) Subparagraph (A) of section 6103(p)(3) is amended—

(A) by striking “(7)(A)(ii), or (8)” and inserting “or (7)(A)(ii)”, and

(B) by striking “or (14)” and inserting “(14), or (15)”.

(3) The material preceding subparagraph (A) of section 6103(p)(4) is amended—

(A) by striking “(5), or (8)” and inserting “or (5)”,

(B) by striking “(i)(3)(B)(i), or (8)” and inserting “(i)(3)(B)(i)”, and

(C) by striking “or (12)” and inserting “(12), or (15)”.

(4) Clause (ii) of section 6103(p)(4)(F) is amended—

(A) by striking “(5), or (8)” and inserting “or (5)”, and

(B) by striking “or (14)” and inserting “(14), or (15)”.

(5) Paragraph (2) of section 7213(a) is amended by striking “or (12)” and inserting “(12), or (15)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act. 26 USC 6103 note.

**SEC. 1207. DISCLOSURE OF RETURNS AND RETURN INFORMATION TO DESIGNEE OF TAXPAYER.**

Subsection (c) of section 6103 (relating to disclosure of returns and return information to designee of taxpayer) is amended by striking “written request for or consent to such disclosure” and inserting “request for or consent to such disclosure”.

**SEC. 1208. STUDY OF NETTING OF INTEREST ON OVERPAYMENTS AND LIABILITIES.**

(a) **IN GENERAL.**—The Secretary of the Treasury or his delegate shall—

(1) conduct a study of the manner in which the Internal Revenue Service has implemented the netting of interest on overpayments and underpayments and of the policy and administrative implications of global netting, and

(2) before submitting the report of such study, hold a public hearing to receive comments on the matters included in such study.

(b) **REPORT.**—The report of such study shall be submitted not later than 6 months after the date of the enactment of this Act to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

**SEC. 1209. EXPENSES OF DETECTION OF UNDERPAYMENTS AND FRAUD, ETC.**

(a) **IN GENERAL.**—Section 7623 (relating to expenses of deduction and punishment of frauds) is amended to read as follows:

“**SEC. 7623. EXPENSES OF DETECTION OF UNDERPAYMENTS AND FRAUD, ETC.**

“The Secretary, under regulations prescribed by the Secretary, is authorized to pay such sums as he deems necessary for— Regulations.

“(1) detecting underpayments of tax, and

“(2) detecting and bringing to trial and punishment persons guilty of violating the internal revenue laws or conniving at the same,

in cases where such expenses are not otherwise provided for by law. Any amount payable under the preceding sentence shall be paid from the proceeds of amounts (other than interest) collected by reason of the information provided, and any amount so collected shall be available for such payments.”.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 78 is amended by striking the item relating to section 7623 and inserting the following new item:

“Sec. 7623. Expenses of detection of underpayments and fraud, etc.”.

26 USC 7623  
note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date which is 6 months after the date of the enactment of this Act.

26 USC 7623  
note.

(d) REPORT.—The Secretary of the Treasury or his delegate shall submit an annual report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the payments under section 7623 of the Internal Revenue Code of 1986 during the year and on the amounts collected for which such payments were made.

**SEC. 1210. USE OF PRIVATE DELIVERY SERVICES FOR TIMELY-MAILING-AS-TIMELY-FILEING RULE.**

Section 7502 (relating to timely mailing treated as timely filing and paying) is amended by adding at the end the following new subsection:

“(f) TREATMENT OF PRIVATE DELIVERY SERVICES.—

“(1) IN GENERAL.—Any reference in this section to the United States mail shall be treated as including a reference to any designated delivery service, and any reference in this section to a postmark by the United States Postal Service shall be treated as including a reference to any date recorded or marked as described in paragraph (2)(C) by any designated delivery service.

“(2) DESIGNATED DELIVERY SERVICE.—For purposes of this subsection, the term ‘designated delivery service’ means any delivery service provided by a trade or business if such service is designated by the Secretary for purposes of this section. The Secretary may designate a delivery service under the preceding sentence only if the Secretary determines that such service—

“(A) is available to the general public,

“(B) is at least as timely and reliable on a regular basis as the United States mail,

“(C) records electronically to its data base, kept in the regular course of its business, or marks on the cover in which any item referred to in this section is to be delivered, the date on which such item was given to such trade or business for delivery, and

“(D) meets such other criteria as the Secretary may prescribe.

“(3) EQUIVALENTS OF REGISTERED AND CERTIFIED MAIL.—

The Secretary may provide a rule similar to the rule of paragraph (1) with respect to any service provided by a designated delivery service which is substantially equivalent to United States registered or certified mail.”.

26 USC 7803  
note.

**SEC. 1211. REPORTS ON MISCONDUCT OF IRS EMPLOYEES.**

On or before June 1 of each calendar year after 1996, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on—

(1) all categories of instances involving the misconduct of employees of the Internal Revenue Service during the preceding calendar year, and

(2) the disposition during the preceding calendar year of any such instances (without regard to the year of the misconduct).

## **TITLE XIII—REVENUE OFFSETS**

### **Subtitle A—Application of Failure-to-Pay Penalty to Substitute Returns**

#### **SEC. 1301. APPLICATION OF FAILURE-TO-PAY PENALTY TO SUBSTITUTE RETURNS.**

(a) **GENERAL RULE.**—Section 6651 (relating to failure to file tax return or to pay tax) is amended by adding at the end the following new subsection:

“(g) **TREATMENT OF RETURNS PREPARED BY SECRETARY UNDER SECTION 6020(b).**—In the case of any return made by the Secretary under section 6020(b)—

“(1) such return shall be disregarded for purposes of determining the amount of the addition under paragraph (1) of subsection (a), but

“(2) such return shall be treated as the return filed by the taxpayer for purposes of determining the amount of the addition under paragraphs (2) and (3) of subsection (a).”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply in the case of any return the due date for which (determined without regard to extensions) is after the date of the enactment of this Act.

26 USC 6651  
note.

### **Subtitle B—Excise Taxes on Amounts of Private Excess Benefits**

#### **SEC. 1311. EXCISE TAXES FOR FAILURE BY CERTAIN CHARITABLE ORGANIZATIONS TO MEET CERTAIN QUALIFICATION REQUIREMENTS.**

(a) **IN GENERAL.**—Chapter 42 (relating to private foundations and certain other tax-exempt organizations) is amended by redesignating subchapter D as subchapter E and by inserting after subchapter C the following new subchapter:

##### **“Subchapter D—Failure by Certain Charitable Organizations To Meet Certain Qualification Requirements**

“Sec. 4958. Taxes on excess benefit transactions.

#### **“SEC. 4958. TAXES ON EXCESS BENEFIT TRANSACTIONS.**

“(a) **INITIAL TAXES.**—

“(1) **ON THE DISQUALIFIED PERSON.**—There is hereby imposed on each excess benefit transaction a tax equal to 25 percent of the excess benefit. The tax imposed by this paragraph shall be paid by any disqualified person referred to in subsection (f)(1) with respect to such transaction.

"(2) ON THE MANAGEMENT.—In any case in which a tax is imposed by paragraph (1), there is hereby imposed on the participation of any organization manager in the excess benefit transaction, knowing that it is such a transaction, a tax equal to 10 percent of the excess benefit, unless such participation is not willful and is due to reasonable cause. The tax imposed by this paragraph shall be paid by any organization manager who participated in the excess benefit transaction.

"(b) ADDITIONAL TAX ON THE DISQUALIFIED PERSON.—In any case in which an initial tax is imposed by subsection (a)(1) on an excess benefit transaction and the excess benefit involved in such transaction is not corrected within the taxable period, there is hereby imposed a tax equal to 200 percent of the excess benefit involved. The tax imposed by this subsection shall be paid by any disqualified person referred to in subsection (f)(1) with respect to such transaction.

"(c) EXCESS BENEFIT TRANSACTION; EXCESS BENEFIT.—For purposes of this section—

"(1) EXCESS BENEFIT TRANSACTION.—

"(A) IN GENERAL.—The term 'excess benefit transaction' means any transaction in which an economic benefit is provided by an applicable tax-exempt organization directly or indirectly to or for the use of any disqualified person if the value of the economic benefit provided exceeds the value of the consideration (including the performance of services) received for providing such benefit. For purposes of the preceding sentence, an economic benefit shall not be treated as consideration for the performance of services unless such organization clearly indicated its intent to so treat such benefit.

"(B) EXCESS BENEFIT.—The term 'excess benefit' means the excess referred to in subparagraph (A).

"(2) AUTHORITY TO INCLUDE CERTAIN OTHER PRIVATE INUREMENT.—To the extent provided in regulations prescribed by the Secretary, the term 'excess benefit transaction' includes any transaction in which the amount of any economic benefit provided to or for the use of a disqualified person is determined in whole or in part by the revenues of 1 or more activities of the organization but only if such transaction results in inurement not permitted under paragraph (3) or (4) of section 501(c), as the case may be. In the case of any such transaction, the excess benefit shall be the amount of the inurement not so permitted.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) JOINT AND SEVERAL LIABILITY.—If more than 1 person is liable for any tax imposed by subsection (a) or subsection (b), all such persons shall be jointly and severally liable for such tax.

"(2) LIMIT FOR MANAGEMENT.—With respect to any 1 excess benefit transaction, the maximum amount of the tax imposed by subsection (a)(2) shall not exceed \$10,000.

"(e) APPLICABLE TAX-EXEMPT ORGANIZATION.—For purposes of this subchapter, the term 'applicable tax-exempt organization' means—

"(1) any organization which (without regard to any excess benefit) would be described in paragraph (3) or (4) of section 501(c) and exempt from tax under section 501(a), and

"(2) any organization which was described in paragraph (1) at any time during the 5-year period ending on the date of the transaction.

Such term shall not include a private foundation (as defined in section 509(a)).

"(f) OTHER DEFINITIONS.—For purposes of this section—

"(1) DISQUALIFIED PERSON.—The term 'disqualified person' means, with respect to any transaction—

"(A) any person who was, at any time during the 5-year period ending on the date of such transaction, in a position to exercise substantial influence over the affairs of the organization,

"(B) a member of the family of an individual described in subparagraph (A), and

"(C) a 35-percent controlled entity.

"(2) ORGANIZATION MANAGER.—The term 'organization manager' means, with respect to any applicable tax-exempt organization, any officer, director, or trustee of such organization (or any individual having powers or responsibilities similar to those of officers, directors, or trustees of the organization).

"(3) 35-PERCENT CONTROLLED ENTITY.—

"(A) IN GENERAL.—The term '35-percent controlled entity' means—

"(i) a corporation in which persons described in subparagraph (A) or (B) of paragraph (1) own more than 35 percent of the total combined voting power,

"(ii) a partnership in which such persons own more than 35 percent of the profits interest, and

"(iii) a trust or estate in which such persons own more than 35 percent of the beneficial interest.

"(B) CONSTRUCTIVE OWNERSHIP RULES.—Rules similar to the rules of paragraphs (3) and (4) of section 4946(a) shall apply for purposes of this paragraph.

"(4) FAMILY MEMBERS.—The members of an individual's family shall be determined under section 4946(d); except that such members also shall include the brothers and sisters (whether by the whole or half blood) of the individual and their spouses.

"(5) TAXABLE PERIOD.—The term 'taxable period' means, with respect to any excess benefit transaction, the period beginning with the date on which the transaction occurs and ending on the earliest of—

"(A) the date of mailing a notice of deficiency under section 6212 with respect to the tax imposed by subsection (a)(1), or

"(B) the date on which the tax imposed by subsection (a)(1) is assessed.

"(6) CORRECTION.—The terms 'correction' and 'correct' mean, with respect to any excess benefit transaction, undoing the excess benefit to the extent possible, and taking any additional measures necessary to place the organization in a financial position not worse than that in which it would be if the disqualified person were dealing under the highest fiduciary standards."

(b) APPLICATION OF PRIVATE INUREMENT RULE TO TAX-EXEMPT ORGANIZATIONS DESCRIBED IN SECTION 501(c)(4).—

(1) IN GENERAL.—Paragraph (4) of section 501(c) is amended by inserting “(A)” after “(4)” and by adding at the end the following:

“(B) Subparagraph (A) shall not apply to an entity unless no part of the net earnings of such entity inures to the benefit of any private shareholder or individual.”

26 USC 501 note.

(2) SPECIAL RULE FOR CERTAIN COOPERATIVES.—In the case of an organization operating on a cooperative basis which, before the date of the enactment of this Act, was determined by the Secretary of the Treasury or his delegate, to be described in section 501(c)(4) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, the allocation or return of net margins or capital to the members of such organization in accordance with its incorporating statute and bylaws shall not be treated for purposes of such Code as the inurement of the net earnings of such organization to the benefit of any private shareholder or individual. The preceding sentence shall apply only if such statute and bylaws are substantially as such statute and bylaws were in existence on the date of the enactment of this Act.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Subsection (e) of section 4955 is amended—

(A) by striking “SECTION 4945” in the heading and inserting “SECTIONS 4945 AND 4958”, and

(B) by inserting before the period “or an excess benefit for purposes of section 4958”.

(2) Subsections (a), (b), and (c) of section 4963 are each amended by inserting “4958,” after “4955,”.

(3) Subsection (e) of section 6213 is amended by inserting “4958 (relating to private excess benefit),” before “4971”.

(4) Paragraphs (2) and (3) of section 7422(g) are each amended by inserting “4958,” after “4955,”.

(5) Subsection (b) of section 7454 is amended by inserting “or whether an organization manager (as defined in section 4958(f)(2)) has ‘knowingly’ participated in an excess benefit transaction (as defined in section 4958(c)),” after “section 4912(b),”.

(6) The table of subchapters for chapter 42 is amended by striking the last item and inserting the following:

“SUBCHAPTER D. Failure by certain charitable organizations to meet certain qualification requirements.

“SUBCHAPTER E. Abatement of first and second tier taxes in certain cases.”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section (other than subsection (b)) shall apply to excess benefit transactions occurring on or after September 14, 1995.

(2) BINDING CONTRACTS.—The amendments referred to in paragraph (1) shall not apply to any benefit arising from a transaction pursuant to any written contract which was binding on September 13, 1995, and at all times thereafter before such transaction occurred.

(3) APPLICATION OF PRIVATE INUREMENT RULE TO TAX-EXEMPT ORGANIZATIONS DESCRIBED IN SECTION 501(c)(4).—

(A) IN GENERAL.—The amendment made by subsection (b) shall apply to inurement occurring on or after September 14, 1995.

26 USC 4955  
note.

26 USC 4955  
note.

26 USC 501 note.

(B) BINDING CONTRACTS.—The amendment made by subsection (b) shall not apply to any inurement occurring before January 1, 1997, pursuant to a written contract which was binding on September 13, 1995, and at all times thereafter before such inurement occurred.

**SEC. 1312. REPORTING OF CERTAIN EXCISE TAXES AND OTHER INFORMATION.**

(a) REPORTING BY ORGANIZATIONS DESCRIBED IN SECTION 501(c)(3).—Subsection (b) of section 6033 (relating to certain organizations described in section 501(c)(3)) is amended by striking “and” at the end of paragraph (9), by redesignating paragraph (10) as paragraph (14), and by inserting after paragraph (9) the following new paragraphs:

“(10) the respective amounts (if any) of the taxes paid by the organization during the taxable year under the following provisions:

“(A) section 4911 (relating to tax on excess expenditures to influence legislation),

“(B) section 4912 (relating to tax on disqualifying lobbying expenditures of certain organizations), and

“(C) section 4955 (relating to taxes on political expenditures of section 501(c)(3) organizations),

“(11) the respective amounts (if any) of the taxes paid by the organization, or any disqualified person with respect to such organization, during the taxable year under section 4958 (relating to taxes on private excess benefit from certain charitable organizations),

“(12) such information as the Secretary may require with respect to any excess benefit transaction (as defined in section 4958)

“(13) such information with respect to disqualified persons as the Secretary may prescribe, and”.

(b) ORGANIZATIONS DESCRIBED IN SECTION 501(c)(4).—Section 6033 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) CERTAIN ORGANIZATIONS DESCRIBED IN SECTION 501(c)(4).—Every organization described in section 501(c)(4) which is subject to the requirements of subsection (a) shall include on the return required under subsection (a) the information referred to in paragraphs (11), (12) and (13) of subsection (b) with respect to such organization.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years beginning after the date of the enactment of this Act.

26 USC 6033  
note.

**SEC. 1313. EXEMPT ORGANIZATIONS REQUIRED TO PROVIDE COPY OF RETURN.**

(a) REQUIREMENT TO PROVIDE COPY.—

(1) Subparagraph (A) of section 6104(e)(1) (relating to public inspection of annual returns) is amended to read as follows:

“(A) IN GENERAL.—During the 3-year period beginning on the filing date—

“(i) a copy of the annual return filed under section 6033 (relating to returns by exempt organizations) by any organization to which this paragraph applies shall be made available by such organization for inspection during regular business hours by any individual at

the principal office of such organization and, if such organization regularly maintains 1 or more regional or district offices having 3 or more employees, at each such regional or district office, and

“(ii) upon request of an individual made at such principal office or such a regional or district office, a copy of such annual return shall be provided to such individual without charge other than a reasonable fee for any reproduction and mailing costs.

The request described in clause (ii) must be made in person or in writing. If the request under clause (ii) is made in person, such copy shall be provided immediately and, if made in writing, shall be provided within 30 days.”.

(2) Clause (ii) of section 6104(e)(2)(A) is amended by inserting before the period at the end the following: “(and, upon request of an individual made at such principal office or such a regional or district office, a copy of the material requested to be available for inspection under this subparagraph shall be provided (in accordance with the last sentence of paragraph (1)(A)) to such individual without charge other than reasonable fee for any reproduction and mailing costs)”.

(3) Subsection (e) of section 6104 is amended by adding at the end the following new paragraph:

“(3) LIMITATION.—Paragraph (1)(A)(ii) (and the corresponding provision of paragraph (2)) shall not apply to any request if, in accordance with regulations promulgated by the Secretary, the organization has made the requested documents widely available, or, the Secretary determines, upon application by an organization, that such request is part of a harassment campaign and that compliance with such request is not in the public interest.”.

(b) INCREASE IN PENALTY FOR WILLFUL FAILURE TO ALLOW PUBLIC INSPECTION OF CERTAIN RETURNS, ETC.—Section 6685 is amended by striking “\$1,000” and inserting “\$5,000”.

26 USC 6104  
note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made on or after the 60th day after the Secretary of the Treasury first issues the regulations referred to section 6104(e)(3) of the Internal Revenue Code of 1986 (as added by subsection (a)(3)).

**SEC. 1314. INCREASE IN PENALTIES ON EXEMPT ORGANIZATIONS FOR FAILURE TO FILE COMPLETE AND TIMELY ANNUAL RETURNS.**

(a) IN GENERAL.—Subparagraph (A) of section 6652(c)(1) (relating to annual returns under section 6033) is amended by striking “\$10” and inserting “\$20” and by striking “\$5,000” and inserting “\$10,000”.

(b) LARGER PENALTY ON ORGANIZATIONS HAVING GROSS RECEIPTS IN EXCESS OF \$1,000,000.—Subparagraph (A) of section 6652(c)(1) is amended by adding at the end the following new sentence: “In the case of an organization having gross receipts exceeding \$1,000,000 for any year, with respect to the return required under section 6033 for such year, the first sentence of this subparagraph shall be applied by substituting ‘\$100’ for ‘\$20’ and, in lieu of applying the second sentence of this subparagraph, the maximum penalty under this subparagraph shall not exceed \$50,000.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years ending on or after the date of the enactment of this Act. 26 USC 6652 note.

Approved July 30, 1996.

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LEGISLATIVE HISTORY—H.R. 2337:

HOUSE REPORTS: No. 104-506 (Comm. on Ways and Means).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Apr. 16, considered and passed House.

July 11, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

July 30, Presidential remarks.

Public Law 104-169  
104th Congress

An Act

Aug. 3, 1996

[H.R. 497]

To create the National Gambling Impact and Policy Commission.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

National  
Gambling Impact  
Study  
Commission Act.  
18 USC 1955  
note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Gambling Impact Study Commission Act”.

18 USC 1955  
note.

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) the most recent Federal study of gambling in the United States was completed in 1976;

(2) legalization of gambling has increased substantially over the past 20 years, and State, local, and Native American tribal governments have established gambling as a source of jobs and additional revenue;

(3) the growth of various forms of gambling, including electronic gambling and gambling over the Internet, could affect interstate and international matters under the jurisdiction of the Federal Government;

(4) questions have been raised regarding the social and economic impacts of gambling, and Federal, State, local, and Native American tribal governments lack recent, comprehensive information regarding those impacts; and

(5) a Federal commission should be established to conduct a comprehensive study of the social and economic impacts of gambling in the United States.

18 USC 1955  
note.

**SEC. 3. NATIONAL GAMBLING IMPACT STUDY COMMISSION.**

(a) **ESTABLISHMENT OF COMMISSION.**—There is established a commission to be known as the National Gambling Impact Study Commission (hereinafter referred to in this Act as “the Commission”). The Commission shall—

(1) be composed of 9 members appointed in accordance with subsection (b); and

(2) conduct its business in accordance with the provisions of this Act.

President.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Commissioners shall be appointed for the life of the Commission as follows:

(A) 3 shall be appointed by the President of the United States.

(B) 3 shall be appointed by the Speaker of the House of Representatives.

(C) 3 shall be appointed by the Majority Leader of the Senate.

(2) PERSONS ELIGIBLE.—The members of the Commission shall be individuals who have knowledge or expertise, whether by experience or training, in matters to be studied by the Commission under section 4. The members may be from the public or private sector, and may include Federal, State, local, or Native American tribal officers or employees, members of academia, non-profit organizations, or industry, or other interested individuals.

(3) CONSULTATION REQUIRED.—The President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall consult among themselves prior to the appointment of the members of the Commission in order to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission under section 4.

(4) COMPLETION OF APPOINTMENTS; VACANCIES.—The President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall conduct the consultation required under paragraph (3) and shall each make their respective appointments not later than 60 days after the date of enactment of this Act. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 60 days after the vacancy occurs.

(5) OPERATION OF THE COMMISSION.—

(A) CHAIRMANSHIP.—The President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall jointly designate one member as the Chairman of the Commission. In the event of a disagreement among the appointing authorities, the Chairman shall be determined by a majority vote of the appointing authorities. The determination of which member shall be Chairman shall be made not later than 15 days after the appointment of the last member of the Commission, but in no case later than 75 days after the date of enactment of this Act.

(B) MEETINGS.—The Commission shall meet at the call of the Chairman. The initial meeting of the Commission shall be conducted not later than 30 days after the appointment of the last member of the Commission, or not later than 30 days after the date on which appropriated funds are available for the Commission, whichever is later.

(C) QUORUM; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have one vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this Act or other applicable law.

18 USC 1955  
note.

**SEC. 4. DUTIES OF THE COMMISSION.****(a) STUDY.—**

(1) **IN GENERAL.**—It shall be the duty of the Commission to conduct a comprehensive legal and factual study of the social and economic impacts of gambling in the United States on—

(A) Federal, State, local, and Native American tribal governments; and

(B) communities and social institutions generally, including individuals, families, and businesses within such communities and institutions.

(2) **MATTERS TO BE STUDIED.**—The matters studied by the Commission under paragraph (1) shall at a minimum include—

(A) a review of existing Federal, State, local, and Native American tribal government policies and practices with respect to the legalization or prohibition of gambling, including a review of the costs of such policies and practices;

(B) an assessment of the relationship between gambling and levels of crime, and of existing enforcement and regulatory practices that are intended to address any such relationship;

(C) an assessment of pathological or problem gambling, including its impact on individuals, families, businesses, social institutions, and the economy;

(D) an assessment of the impacts of gambling on individuals, families, businesses, social institutions, and the economy generally, including the role of advertising in promoting gambling and the impact of gambling on depressed economic areas;

(E) an assessment of the extent to which gambling provides revenues to State, local, and Native American tribal governments, and the extent to which possible alternative revenue sources may exist for such governments; and

(F) an assessment of the interstate and international effects of gambling by electronic means, including the use of interactive technologies and the Internet.

(b) **REPORT.**—No later than 2 years after the date on which the Commission first meets, the Commission shall submit to the President, the Congress, State Governors, and Native American tribal governments a comprehensive report of the Commission's findings and conclusions, together with any recommendations of the Commission. Such report shall include a summary of the reports submitted to the Commission by the Advisory Commission on Intergovernmental Relations and National Research Council under section 7, as well as a summary of any other material relied on by the Commission in the preparation of its report.

18 USC 1955  
note.

**SEC. 5. POWERS OF THE COMMISSION.****(a) HEARINGS.—**

(1) **IN GENERAL.**—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 4.

(2) **WITNESS EXPENSES.**—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(b) **SUBPOENAS.**—

(1) **IN GENERAL.**—If a person fails to supply information requested by the Commission, the Commission may by majority vote require by subpoena the production of any written or recorded information, document, report, answer, record, account, paper, computer file, or other data or documentary evidence necessary to carry out its duties under section 4. The Commission shall transmit to the Attorney General a confidential, written notice at least 10 days in advance of the issuance of any such subpoena. A subpoena under this paragraph may require the production of materials from any place within the United States.

Confidentiality.  
Notice.

(2) **INTERROGATORIES.**—The Commission may, with respect only to information necessary to understand any materials obtained through a subpoena under paragraph (1), issue a subpoena requiring the person producing such materials to answer, either through a sworn deposition or through written answers provided under oath (at the election of the person upon whom the subpoena is served), to interrogatories from the Commission regarding such information. A complete recording or transcription shall be made of any deposition made under this paragraph.

Records.

(3) **CERTIFICATION.**—Each person who submits materials or information to the Commission pursuant to a subpoena issued under paragraph (1) or (2) shall certify to the Commission the authenticity and completeness of all materials or information submitted. The provisions of section 1001 of title 18, United States Code, shall apply to any false statements made with respect to the certification required under this paragraph.

(4) **TREATMENT OF SUBPOENAS.**—Any subpoena issued by the Commission under paragraph (1) or (2) shall comply with the requirements for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure.

(5) **FAILURE TO OBEY A SUBPOENA.**—If a person refuses to obey a subpoena issued by the Commission under paragraph (1) or (2), the Commission may apply to a United States district court for an order requiring that person to comply with such subpoena. The application may be made within the judicial district in which that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(c) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under section 4. Upon the request of the Commission, the head of such department or agency may furnish such information to the Commission.

(d) **INFORMATION TO BE KEPT CONFIDENTIAL.**—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by an individual, entity, or organization under

contract to the Commission under section 7 shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code. Information obtained by the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

(1) to Commission employees or employees of any individual, entity, or organization under contract to the Commission under section 7 for the purpose of receiving, reviewing, or processing such information;

(2) upon court order; or

(3) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(A) the identity of any person or business entity; or

(B) any information which could not be released under section 1905 of title 18, United States Code.

18 USC 1955  
note.

#### SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) **COMPENSATION OF MEMBERS.**—Each member of the Commission who is not an officer or employee of the Federal Government, or whose compensation is not precluded by a State, local, or Native American tribal government position, shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for Level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) **STAFF.**—

(1) **IN GENERAL.**—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) **COMPENSATION.**—The executive director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for Level V of the Executive Schedule under section 5316 of such title.

(3) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission

(2) **NATIVE AMERICAN TRIBAL GOVERNMENT.**—The term “Native American tribal government” means an Indian tribe, as defined under section 4(5) of the Indian Gaming Regulatory Act of 1988 (25 U.S.C. 2703(5)).

(3) **STATE.**—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

18 USC 1955  
note.

#### **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated to the Commission, the Advisory Commission on Intergovernmental Relations, and the National Academy of Sciences such sums as may be necessary to carry out the purposes of this Act. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

(b) **LIMITATION.**—No payment may be made under section 6 or 7 of this Act except to the extent provided for in advance in an appropriation Act.

18 USC 1955  
note.

#### **SEC. 10. TERMINATION OF THE COMMISSION.**

The Commission shall terminate 60 days after the Commission submits the report required under section 4(b).

Approved August 3, 1996.

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#### **LEGISLATIVE HISTORY—H.R. 497 (S. 704):**

HOUSE REPORTS: No. 104-440, Pt. 1 (Comm. on the Judiciary).  
CONGRESSIONAL RECORD, Vol. 142 (1996):

Mar. 5, considered and passed House.

July 17, considered and passed Senate, amended, in lieu of S. 704.

July 22, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Aug. 3, Presidential statement.

Public Law 104-170  
104th Congress

An Act

To amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act, and for other purposes.

Aug. 3, 1996

[H.R. 1627]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Food Quality Protection Act of 1996”.

Food Quality  
Protection Act of  
1996.  
7 USC 136 note.

## TITLE I—SUSPENSION-APPLICATORS

**SEC. 101. REFERENCE.**

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Insecticide, Fungicide, and Rodenticide Act.

### Subtitle A—Suspension

**SEC. 102. SUSPENSION.**

(a) SECTION 6(c)(1).—The second sentence of section 6(c)(1) (7 U.S.C. 136d(c)(1)) is amended to read: “Except as provided in paragraph (3), no order of suspension may be issued under this subsection unless the Administrator has issued, or at the same time issues, a notice of intention to cancel the registration or change the classification of the pesticide under subsection (b).”.

(b) SECTION 6(c)(3).—Section 6(c)(3) (7 U.S.C. 136d(c)(3)) is amended—

(1) by inserting after the first sentence the following new sentence: “The Administrator may issue an emergency order under this paragraph before issuing a notice of intention to cancel the registration or change the classification of the pesticide under subsection (b) and the Administrator shall proceed to issue the notice under subsection (b) within 90 days of issuing an emergency order. If the Administrator does not issue a notice under subsection (b) within 90 days of issuing an emergency order, the emergency order shall expire.”; and

(2) by striking “In that case” and inserting “In the case of an emergency order”.

**SEC. 103. TOLERANCE REEVALUATION AS PART OF REREGISTRATION.**

Section 4(g)(2) (7 U.S.C. 136a-1(g)(2)) is amended by adding at the end the following:

“(E) As soon as the Administrator has sufficient information with respect to the dietary risk of a particular active ingredient, but in any event no later than the time the Administrator makes a determination under subparagraph (C) or (D) with respect to pesticides containing a particular active ingredient, the Administrator shall—

“(i) reassess each associated tolerance and exemption from the requirement for a tolerance issued under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a);

“(ii) determine whether such tolerance or exemption meets the requirements of that Act;

“(iii) determine whether additional tolerances or exemptions should be issued;

“(iv) publish in the Federal Register a notice setting forth the determinations made under this subparagraph; and

“(v) commence promptly such proceedings under this Act and section 408 of the Federal Food, Drug, and Cosmetic Act as are warranted by such determinations.”.

Federal Register,  
publication.

**SEC. 104. SCIENTIFIC ADVISORY PANEL.**

Section 25(d) (7 U.S.C. 136w(d)) is amended—

(1) in the first sentence, by striking “The Administrator shall” and inserting:

“(1) IN GENERAL.—The Administrator shall”; and

(2) by adding at the end the following:

“(2) SCIENCE REVIEW BOARD.—There is established a Science Review Board to consist of 60 scientists who shall be available to the Scientific Advisory Panel to assist in reviews conducted by the Panel. Members of the Board shall be selected in the same manner as members of temporary subpanels created under paragraph (1). Members of the Board shall be compensated in the same manner as members of the Panel.”.

Establishment.

**SEC. 105. NITROGEN STABILIZER.**

(a) SECTION 2.—Section 2 (7 U.S.C. 136) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking “or” after “defoliant,” and inserting “; or nitrogen stabilizer” after “desiccant”;

(B) at the end of paragraph (3) by striking “and”;

(C) at the end of paragraph (4) by striking the period and inserting “; and”; and

(D) at the end by adding the following:

“(5) in the case of a nitrogen stabilizer, an ingredient which will prevent or hinder the process of nitrification, denitrification, ammonia volatilization, or urease production through action affecting soil bacteria.”;

(2) in subsection (u), by striking “and” before “(2)” and by inserting “and (3) any nitrogen stabilizer,” after “desiccant,”; and

(3) at the end by adding the following:

“(hh) NITROGEN STABILIZER.—The term ‘nitrogen stabilizer’ means any substance or mixture of substances intended for preventing or hindering the process of nitrification, denitrification, ammonia volatilization, or urease production through action upon soil bacteria. Such term shall not include—

“(1) dicyandiamide;

“(2) ammonium thiosulfate; or

“(3) any substance or mixture of substances.—

“(A) that was not registered pursuant to section 3 prior to January 1, 1992; and

“(B) that was in commercial agronomic use prior to January 1, 1992, with respect to which after January 1, 1992, the distributor or seller of the substance or mixture has made no specific claim of prevention or hindering of the process of nitrification, denitrification, ammonia volatilization urease production regardless of the actual use or purpose for, or future use or purpose for, the substance or mixture.

Statements made in materials required to be submitted to any State legislative or regulatory authority, or required by such authority to be included in the labeling or other literature accompanying any such substance or mixture shall not be deemed a specific claim within the meaning of this subsection.”.

(b) SECTION 3(f).—Section 3(f) (7 U.S.C. 136a(f)) is amended by adding at the end the following:

“(4) MIXTURES OF NITROGEN STABILIZERS AND FERTILIZER PRODUCTS.—Any mixture or other combination of—

“(A) 1 or more nitrogen stabilizers registered under this Act; and

“(B) 1 or more fertilizer products, shall not be subject to the provisions of this section or sections 4, 5, 7, 15, and 17(a)(2) if the mixture or other combination is accompanied by the labeling required under this Act for the nitrogen stabilizer contained in the mixture or other combination, the mixture or combination is mixed or combined in accordance with such labeling, and the mixture or combination does not contain any active ingredient other than the nitrogen stabilizer.”.

#### SEC. 106. PERIODIC REGISTRATION REVIEW.

(a) SECTION 6.—Section 6 (7 U.S.C. 136d) is amended—

(1) in subsection (a), by striking the heading and inserting the following:

“(a) EXISTING STOCKS AND INFORMATION.—”; and

(2) by amending paragraph (1) of subsection (a) to read as follows:

“(1) EXISTING STOCKS.—The Administrator may permit the continued sale and use of existing stocks of a pesticide whose registration is suspended or canceled under this section, or section 3 or 4, to such extent, under such conditions, and for such uses as the Administrator determines that such sale or use is not inconsistent with the purposes of this Act.”.

(b) SECTION 3.—Section 3 (7 U.S.C. 136a) is amended by adding at the end the following:

“(g) REGISTRATION REVIEW.—

“(1)(A) GENERAL RULE.—The registrations of pesticides are to be periodically reviewed. The Administrator shall by regula-

Regulations.

tion establish a procedure for accomplishing the periodic review of registrations. The goal of these regulations shall be a review of a pesticide's registration every 15 years. No registration shall be canceled as a result of the registration review process unless the Administrator follows the procedures and substantive requirements of section 6.

“(B) LIMITATION.—Nothing in this subsection shall prohibit the Administrator from undertaking any other review of a pesticide pursuant to this Act.

“(2)(A) DATA.—The Administrator shall use the authority in subsection (c)(2)(B) to require the submission of data when such data are necessary for a registration review.

“(B) DATA SUBMISSION, COMPENSATION, AND EXEMPTION.—For purposes of this subsection, the provisions of subsections (c)(1), (c)(2)(B), and (c)(2)(D) shall be utilized for and be applicable to any data required for registration review.”.

## **Subtitle B—Training for Maintenance Applicators and Service Technicians**

### **SEC. 120. MAINTENANCE APPLICATORS AND SERVICE TECHNICIANS DEFINITIONS.**

Section 2 (7 U.S.C. 136), as amended by section 106, is amended by adding at the end the following:

“(jj) MAINTENANCE APPLICATOR.—The term ‘maintenance applicator’ means any individual who, in the principal course of such individual’s employment, uses, or supervises the use of, a pesticide not classified for restricted use (other than a ready to use consumer products pesticide); for the purpose of providing structural pest control or lawn pest control including janitors, general maintenance personnel, sanitation personnel, and grounds maintenance personnel. The term ‘maintenance applicator’ does not include private applicators as defined in section 2(e)(2); individuals who use antimicrobial pesticides, sanitizers or disinfectants; individuals employed by Federal, State, and local governments or any political subdivisions thereof, or individuals who use pesticides not classified for restricted use in or around their homes, boats, sod farms, nurseries, greenhouses, or other noncommercial property.

“(kk) SERVICE TECHNICIAN.—The term ‘service technician’ means any individual who uses or supervises the use of pesticides (other than a ready to use consumer products pesticide) for the purpose of providing structural pest control or lawn pest control on the property of another for a fee. The term ‘service technician’ does not include individuals who use antimicrobial pesticides, sanitizers or disinfectants; or who otherwise apply ready to use consumer products pesticides.”.

### **SEC. 121. MINIMUM REQUIREMENTS FOR TRAINING OF MAINTENANCE APPLICATORS AND SERVICE TECHNICIANS.**

The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) is amended—

- (1) by redesignating sections 30 and 31 as sections 33 and 34, respectively; and
- (2) by adding after section 29 the following:

**"SEC. 30. MINIMUM REQUIREMENTS FOR TRAINING OF MAINTENANCE APPLICATORS AND SERVICE TECHNICIANS. 7 USC 136w-5.**

"Each State may establish minimum requirements for training of maintenance applicators and service technicians. Such training may include instruction in the safe and effective handling and use of pesticides in accordance with the Environmental Protection Agency approved labeling, and instruction in integrated pest management techniques. The authority of the Administrator with respect to minimum requirements for training of maintenance applicators and service technicians shall be limited to ensuring that each State understands the provisions of this section."

**TITLE II—MINOR USE CROP PROTECTION, ANTIMICROBIAL PESTICIDE REGISTRATION REFORM, AND PUBLIC HEALTH PESTICIDES**

**SEC. 201. REFERENCE.**

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Insecticide, Fungicide, and Rodenticide Act.

**Subtitle A—Minor Use Crop Protection**

**SEC. 210. MINOR CROP PROTECTION.**

(a) **DEFINITION.**—Section 2 (7 U.S.C. 136), as amended by section 120, is further amended by adding at the end the following:

"(1) **MINOR USE.**—The term 'minor use' means the use of a pesticide on an animal, on a commercial agricultural crop or site, or for the protection of public health where—

"(1) the total United States acreage for the crop is less than 300,000 acres, as determined by the Secretary of Agriculture; or

"(2) the Administrator, in consultation with the Secretary of Agriculture, determines that, based on information provided by an applicant for registration or a registrant, the use does not provide sufficient economic incentive to support the initial registration or continuing registration of a pesticide for such use and—

"(A) there are insufficient efficacious alternative registered pesticides available for the use;

"(B) the alternatives to the pesticide use pose greater risks to the environment or human health;

"(C) the minor use pesticide plays or will play a significant part in managing pest resistance; or

"(D) the minor use pesticide plays or will play a significant part in an integrated pest management program.

The status as a minor use under this subsection shall continue as long as the Administrator has not determined that, based on existing data, such use may cause an unreasonable adverse effect on the environment and the use otherwise qualifies for such status."

(b) EXCLUSIVE USE OF MINOR USE PESTICIDES.—Section 3(c)(1)(F) (7 U.S.C. 136a(c)(1)(F)) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(2) by inserting after clause (i) the following:

“(ii) The period of exclusive data use provided under clause (i) shall be extended 1 additional year for each 3 minor uses registered after the date of enactment of this clause and within 7 years of the commencement of the exclusive use period, up to a total of 3 additional years for all minor uses registered by the Administrator if the Administrator, in consultation with the Secretary of Agriculture, determines that, based on information provided by an applicant for registration or a registrant, that—

“(I) there are insufficient efficacious alternative registered pesticides available for the use;

“(II) the alternatives to the minor use pesticide pose greater risks to the environment or human health;

“(III) the minor use pesticide plays or will play a significant part in managing pest resistance; or

“(IV) the minor use pesticide plays or will play a significant part in an integrated pest management program.

The registration of a pesticide for a minor use on a crop grouping established by the Administrator shall be considered for purposes of this clause 1 minor use for each representative crop for which data are provided in the crop grouping. Any additional exclusive use period under this clause shall be modified as appropriate or terminated if the registrant voluntarily cancels the product or deletes from the registration the minor uses which formed the basis for the extension of the additional exclusive use period or if the Administrator determines that the registrant is not actually marketing the product for such minor uses.”;

(3) in clause (iv), as amended by paragraph (1), by striking “and (ii)” and inserting “, (ii), and (iii)”;

(4) at the end of the section, as amended by paragraph (1), by adding the following:

“(v) The period of exclusive use provided under clause (ii) shall not take effect until 1 year after enactment of this clause, except where an applicant or registrant is applying for the registration of a pesticide containing an active ingredient not previously registered.

“(vi) With respect to data submitted after the date of enactment of this clause by an applicant or registrant to support an amendment adding a new use to an existing registration that does not retain any period of exclusive use, if such data relates solely to a minor use of a pesticide, such data shall not, without the written permission of the original data submitter, be considered by the Administrator to support an application for a minor use by another person during

Effective date.

the period of 10 years following the date of submission of such data. The applicant or registrant at the time the new minor use is requested shall notify the Administrator that to the best of their knowledge the exclusive use period for the pesticide has expired and that the data pertaining solely to the minor use of a pesticide is eligible for the provisions of this paragraph. If the minor use registration which is supported by data submitted pursuant to this subsection is voluntarily canceled or if such data are subsequently used to support a nonminor use, the data shall no longer be subject to the exclusive use provisions of this clause but shall instead be considered by the Administrator in accordance with the provisions of clause (i), as appropriate.”

Notification.

(c) TIME EXTENSIONS FOR DEVELOPMENT OF MINOR USE DATA.—

(1) DATA CALL-IN.—Section 3(c)(2)(B) (7 U.S.C. 136a(c)(2)(B)) is amended by adding at the end the following:

“(vi) Upon the request of a registrant the Administrator shall, in the case of a minor use, extend the deadline for the production of residue chemistry data under this subparagraph for data required solely to support that minor use until the final deadline for submission of data under section 4 for the other uses of the pesticide established as of the date of enactment of the Food Quality Protection Act of 1996, if—

“(I) the data to support other uses of the pesticide on a food are being provided;

“(II) the registrant, in submitting a request for such an extension, provides a schedule, including interim dates to measure progress, to assure that the data production will be completed before the expiration of the extension period;

“(III) the Administrator has determined that such extension will not significantly delay the Administrator’s schedule for issuing a reregistration eligibility determination required under section 4; and

“(IV) the Administrator has determined that based on existing data, such extension would not significantly increase the risk of any unreasonable adverse effect on the environment. If the Administrator grants an extension under this clause, the Administrator shall monitor the development of the data and shall ensure that the registrant is meeting the schedule for the production of the data. If the Administrator determines that the registrant is not meeting or has not met the schedule for the production of such data, the Administrator may proceed in accordance with clause (iv) regarding the continued registration of the affected products with the minor use and shall inform the public of such action. Notwithstanding the provisions of this clause, the Administrator may take action to modify or revoke the extension under this clause if the Administrator determines that the extension for the minor use may cause an unreasonable adverse effect on the environment. In such circumstance, the Administrator shall provide, in writing to the reg-

Notice.

istrant, a notice revoking the extension of time for submission of data. Such data shall instead be due in accordance with the date established by the Administrator for the submission of the data.”.

(2) REREGISTRATION.—Sections 4(d)(4)(B), 4(e)(2)(B), and 4(f)(2)(B) (7 U.S.C. 136a-1(d)(4)(B), (e)(2)(B), and (f)(2)(B)) are each amended by adding at the end the following: “Upon application of a registrant, the Administrator shall, in the case of a minor use, extend the deadline for the production of residue chemistry data under this subparagraph for data required solely to support that minor use until the final deadline for submission of data under this section for the other uses of the pesticide established as of the date of enactment of the Food Quality Protection Act of 1996 if—

“(i) the data to support other uses of the pesticide on a food are being provided;

“(ii) the registrant, in submitting a request for such an extension provides a schedule, including interim dates to measure progress, to assure that the data production will be completed before the expiration of the extension period;

“(iii) the Administrator has determined that such extension will not significantly delay the Administrator’s schedule for issuing a reregistration eligibility determination required under this section; and

“(iv) the Administrator has determined that based on existing data, such extension would not significantly increase the risk of any unreasonable adverse effect on the environment. If the Administrator grants an extension under this subparagraph, the Administrator shall monitor the development of the data and shall ensure that the registrant is meeting the schedule for the production of the data. If the Administrator determines that the registrant is not meeting or has not met the schedule for the production of such data, the Administrator may proceed in accordance with clause (iv) of section 3(c)(2)(B) or other provisions of this section, as appropriate, regarding the continued registration of the affected products with the minor use and shall inform the public of such action. Notwithstanding the provisions of this subparagraph, the Administrator may take action to modify or revoke the extension under this subparagraph if the Administrator determines that the extension for the minor use may cause an unreasonable adverse effect on the environment. In such circumstance, the Administrator shall provide written notice to the registrant revoking the extension of time for submission of data. Such data shall instead be due in accordance with the date then established by the Administrator for submission of the data.”.

(d) MINOR USE WAIVER.—Section 3(c)(2) (7 U.S.C. 136a(c)(2)) is amended—

(1) by inserting “IN GENERAL.—” after “(A)”;

(2) by inserting “ADDITIONAL DATA.—” after “(B)”;

(3) by inserting “SIMPLIFIED PROCEDURES.—” after “(C)”;

and

(4) by adding at the end the following:

“(E) MINOR USE WAIVER.—In handling the registration of a pesticide for a minor use, the Administrator may waive otherwise applicable data requirements if the Administrator determines that the absence of such data will not prevent the Administrator from determining—

“(i) the incremental risk presented by the minor use of the pesticide; and

“(ii) that such risk, if any, would not be an unreasonable adverse effect on the environment.”.

(e) EXPEDITING MINOR USE REGISTRATIONS.—Section 3(c)(3) (7 U.S.C. 136a(c)(3)) is amended—

(1) by inserting after “(A)” the following: “IN GENERAL.—”;

(2) by inserting after “(B)” the following: “IDENTICAL OR SUBSTANTIALLY SIMILAR.—”; and

(3) by adding at the end the following:

“(C) MINOR USE REGISTRATION.—

“(i) The Administrator shall, as expeditiously as possible, review and act on any complete application—

“(I) that proposes the initial registration of a new pesticide active ingredient if the active ingredient is proposed to be registered solely for minor uses, or proposes a registration amendment solely for minor uses to an existing registration; or

“(II) for a registration or a registration amendment that proposes significant minor uses.

“(ii) For the purposes of clause (i)—

“(I) the term ‘as expeditiously as possible’ means that the Administrator shall, to the greatest extent practicable, complete a review and evaluation of all data, submitted with a complete application, within 12 months after the submission of the complete application, and the failure of the Administrator to complete such a review and evaluation under clause (i) shall not be subject to judicial review; and

“(II) the term ‘significant minor uses’ means 3 or more minor uses proposed for every nonminor use, a minor use that would, in the judgment of the Administrator, serve as a replacement for any use which has been canceled in the 5 years preceding the receipt of the application, or a minor use that in the opinion of the Administrator would avoid the reissuance of an emergency exemption under section 18 for that minor use.

“(D) ADEQUATE TIME FOR SUBMISSION OF MINOR USE DATA.—If a registrant makes a request for a minor use waiver, regarding data required by the Administrator, pursuant to paragraph (2)(E), and if the Administrator denies in whole or in part such data waiver request, the registrant shall have a full-time period for providing such data. For purposes of this subparagraph, the term ‘full-time period’ means the time period originally established by the Administrator for submission of such data, beginning

with the date of receipt by the registrant of the Administrator's notice of denial."

(f) TEMPORARY EXTENSION OF REGISTRATION FOR UNSUPPORTED MINOR USES.—

(1) REREGISTRATION.—

(A) Sections 4(d)(6) and 4(f)(3) (7 U.S.C. 136a-1(d)(6) and (f)(3)) are each amended by adding at the end the following: "If the registrant does not commit to support a specific minor use of the pesticide, but is supporting and providing data in a timely and adequate fashion to support uses of the pesticide on a food, or if all uses of the pesticide are nonfood uses and the registrant does not commit to support a specific minor use of the pesticide but is supporting and providing data in a timely and adequate fashion to support other nonfood uses of the pesticide, the Administrator, at the written request of the registrant, shall not take any action pursuant to this paragraph in regard to such unsupported minor use until the final deadline established as of the date of enactment of the Food Quality Protection Act of 1996, for the submission of data under this section for the supported uses identified pursuant to this paragraph unless the Administrator determines that the absence of the data is significant enough to cause human health or environmental concerns. On such a determination the Administrator may refuse the request for extension by the registrant. Upon receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the effective date upon which the uses not being supported will be voluntarily deleted from the registration pursuant to section 6(f)(1). If the Administrator grants an extension under this paragraph, the Administrator shall monitor the development of the data for the uses being supported and shall ensure that the registrant is meeting the schedule for the production of such data. If the Administrator determines that the registrant is not meeting or has not met the schedule for the production of such data, the Administrator may proceed in accordance with section 3(c)(2)(B)(iv) regarding the continued registration of the affected products with the minor and other uses and shall inform the public of such action in accordance with section 6(f)(2). Notwithstanding this subparagraph, the Administrator may deny, modify, or revoke the temporary extension under this paragraph if the Administrator determines that the continuation of the minor use may cause an unreasonable adverse effect on the environment. In the event of modification or revocation, the Administrator shall provide, in writing, to the registrant a notice revoking the temporary extension and establish a new effective date by which the minor use shall be deleted from the registration."

Federal Register,  
publication.

Notice.

(B) Section 4(e)(3)(A) (7 U.S.C. 136a-1(e)(3)(A)) is amended by adding at the end the following: "If the registrant does not commit to support a specific minor use of the pesticide, but is supporting and providing data in a timely and adequate fashion to support uses of the pesticide on a food, or if all uses of the pesticide are nonfood uses and the registrant does not commit to support a

specific minor use of the pesticide but is supporting and providing data in a timely and adequate fashion to support other nonfood uses of the pesticide, the Administrator, at the written request of the registrant, shall not take any action pursuant to this subparagraph in regard to such unsupported minor use until the final deadline established as of the date of enactment of the Food Quality Protection Act of 1996, for the submission of data under this section for the supported uses identified pursuant to this subparagraph unless the Administrator determines that the absence of the data is significant enough to cause human health or environmental concerns. On the basis of such determination, the Administrator may refuse the request for extension by the registrant. Upon receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the effective date upon which the uses not being supported will be voluntarily deleted from the registration pursuant to section 6(f)(1). If the Administrator grants an extension under this subparagraph, the Administrator shall monitor the development of the data for the uses being supported and shall ensure that the registrant is meeting the schedule for the production of such data. If the Administrator determines that the registrant is not meeting or has not met the schedule for the production of such data, the Administrator may proceed in accordance with section 3(c)(2)(B)(iv) regarding the continued registration of the affected products with the minor and other uses and shall inform the public of such action in accordance with section 6(f)(2). Notwithstanding this subparagraph, the Administrator may deny, modify, or revoke the temporary extension under this subparagraph if the Administrator determines that the continuation of the minor use may cause an unreasonable adverse effect on the environment. In the event of modification or revocation, the Administrator shall provide, in writing, to the registrant a notice revoking the temporary extension and establish a new effective date by which the minor use shall be deleted from the registration.”

Federal Register,  
publication.

Notice.

(2) DATA.—Section 3(c)(2)(B) (7 U.S.C. 136a(c)(2)(B)), as amended by subsection (c)(1), is further amended by adding at the end the following:

“(vii) If the registrant does not commit to support a specific minor use of the pesticide, but is supporting and providing data in a timely and adequate fashion to support uses of the pesticide on a food, or if all uses of the pesticide are nonfood uses and the registrant does not commit to support a specific minor use of the pesticide but is supporting and providing data in a timely and adequate fashion to support other nonfood uses of the pesticide, the Administrator, at the written request of the registrant, shall not take any action pursuant to this clause in regard to such unsupported minor use until the final deadline established as of the date of enactment of the Food Quality Protection Act of 1996, for the submission of data under section 4 for the supported uses identified pursuant to this clause unless the Administrator determines that the

Federal Register,  
publication.

Notice.

absence of the data is significant enough to cause human health or environmental concerns. On the basis of such determination, the Administrator may refuse the request for extension by the registrant. Upon receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the effective date upon which the uses not being supported will be voluntarily deleted from the registration pursuant to section 6(f)(1). If the Administrator grants an extension under this clause, the Administrator shall monitor the development of the data for the uses being supported and shall ensure that the registrant is meeting the schedule for the production of such data. If the Administrator determines that the registrant is not meeting or has not met the schedule for the production of such data, the Administrator may proceed in accordance with clause (iv) of this subparagraph regarding the continued registration of the affected products with the minor and other uses and shall inform the public of such action in accordance with section 6(f)(2). Notwithstanding the provisions of this clause, the Administrator may deny, modify, or revoke the temporary extension under this subparagraph if the Administrator determines that the continuation of the minor use may cause an unreasonable adverse effect on the environment. In the event of modification or revocation, the Administrator shall provide, in writing, to the registrant a notice revoking the temporary extension and establish a new effective date by which the minor use shall be deleted from the registration.”

(g) Section 6(f) (7 U.S.C. 136d(f)) is amended—

(1) in paragraph (1)(C)(ii) by striking “90-day” each place it appears and inserting “180-day”; and

(2) in paragraph (3)(A) by striking “90-day” and inserting “180-day”.

(h) UTILIZATION OF DATA FOR VOLUNTARILY CANCELED CHEMICALS.—Section 6(f) (7 U.S.C. 136d(f)) is amended by adding at the end the following:

“(4) UTILIZATION OF DATA FOR VOLUNTARILY CANCELED PESTICIDE.—When an application is filed with the Administrator for the registration of a pesticide for a minor use and another registrant subsequently voluntarily cancels its registration for an identical or substantially similar pesticide for an identical or substantially similar use, the Administrator shall process, review, and evaluate the pending application as if the voluntary cancellation had not yet taken place except that the Administrator shall not take such action if the Administrator determines that such minor use may cause an unreasonable adverse effect on the environment. In order to rely on this subsection, the applicant must certify that it agrees to satisfy any outstanding data requirements necessary to support the reregistration of the pesticide in accordance with the data submission schedule established by the Administrator.”

(i) ENVIRONMENTAL PROTECTION AGENCY MINOR USE PROGRAM.—The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), as amended by section 121, is amended by adding after section 30 the following:

**"SEC. 31. ENVIRONMENTAL PROTECTION AGENCY MINOR USE PROGRAM.** 7 USC 136w-6.

"(a) The Administrator shall assure coordination of minor use issues through the establishment of a minor use program within the Office of Pesticide Programs. Such office shall be responsible for coordinating the development of minor use programs and policies and consulting with growers regarding minor use issues and registrations and amendments which are submitted to the Environmental Protection Agency.

"(b) The Office of Pesticide Programs shall prepare a public report concerning the progress made on the registration of minor uses, including implementation of the exclusive use as an incentive for registering new minor uses, within 3 years of the passage of the Food Quality Protection Act of 1996."

Public  
information.  
Reports.

(j) DEPARTMENT OF AGRICULTURE MINOR USE PROGRAM.—The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), as amended by subsection (i), is amended by adding after section 31 the following:

**"SEC. 32. DEPARTMENT OF AGRICULTURE MINOR USE PROGRAM.**

7 USC 136w-7.

"(a) IN GENERAL.—The Secretary of Agriculture (hereinafter in this section referred to as the 'Secretary') shall assure the coordination of the responsibilities of the Department of Agriculture related to minor uses of pesticides, including—

"(1) carrying out the Inter-Regional Project Number 4 (IR-4) as described in section 2 of Public Law 89-106 (7 U.S.C. 450i(e)) and the national pesticide resistance monitoring program established under section 1651 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5882);

"(2) supporting integrated pest management research;

"(3) consulting with growers to develop data for minor uses; and

"(4) providing assistance for minor use registrations, tolerances, and reregistrations with the Environmental Protection Agency.

"(b)(1) MINOR USE PESTICIDE DATA.—

"(A) GRANT AUTHORITY.—The Secretary, in consultation with the Administrator, shall establish a program to make grants for the development of data to support minor use pesticide registrations and reregistrations. The amount of any such grant shall not exceed ½ of the cost of the project for which the grant is made.

"(B) APPLICANTS.—Any person who wants to develop data to support minor use pesticide registrations and reregistrations may apply for a grant under subparagraph (A). Priority shall be given to an applicant for such a grant who does not directly receive funds from the sale of pesticides registered for minor uses.

"(C) DATA OWNERSHIP.—Any data that is developed under a grant under subparagraph (A) shall be jointly owned by the Department of Agriculture and the person who received the grant. Such a person shall enter into an agreement with the Secretary under which such person shall share any fee paid to such person under section 3(c)(1)(F).

"(2) MINOR USE PESTICIDE DATA REVOLVING FUND.—

"(A) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the

Nomenclature.

Minor Use Pesticide Data Revolving Fund. The Fund shall be available without fiscal year limitation to carry out the authorized purposes of this subsection.

“(B) CONTENTS OF THE FUND.—There shall be deposited in the Fund—

“(i) such amounts as may be appropriated to support the purposes of this subsection; and

“(ii) fees collected by the Secretary for any data developed under a grant under paragraph (1)(A).

“(C) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year to carry out the purposes of this subsection \$10,000,000 to remain available until expended.”

## Subtitle B—Antimicrobial Pesticide Registration Reform

### SEC. 221. DEFINITIONS.

Section 2 (7 U.S.C. 136), as amended by section 210(a) is further amended—

(1) in subsection (u), by adding at the end the following: “The term ‘pesticide’ does not include liquid chemical sterilant products (including any sterilant or subordinate disinfectant claims on such products) for use on a critical or semi-critical device, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321). For purposes of the preceding sentence, the term ‘critical device’ includes any device which is introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body and the term ‘semi-critical device’ includes any device which contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body.”; and

(2) by adding at the end the following:

“(mm) ANTIMICROBIAL PESTICIDE.—

“(1) IN GENERAL.—The term ‘antimicrobial pesticide’ means a pesticide that—

“(A) is intended to—

“(i) disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms; or

“(ii) protect inanimate objects, industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling, or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime; and

“(B) in the intended use is exempt from, or otherwise not subject to, a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a and 348) or a food additive regulation under section 409 of such Act.

“(2) EXCLUDED PRODUCTS.—The term ‘antimicrobial pesticide’ does not include—

“(A) a wood preservative or antifouling paint product for which a claim of pesticidal activity other than or in addition to an activity described in paragraph (1) is made;

“(B) an agricultural fungicide product; or

“(C) an aquatic herbicide product.

“(3) INCLUDED PRODUCTS.—The term ‘antimicrobial pesticide’ does include any other chemical sterilant product (other than liquid chemical sterilant products exempt under subsection (u)), any other disinfectant product, any other industrial microbiocide product, and any other preservative product that is not excluded by paragraph (2).”.

#### SEC. 222. FEDERAL AND STATE DATA COORDINATION.

Section 3(c)(2)(B) (7 U.S.C. 136a(c)(2)(B)), as amended by section 210(f)(2), is amended by adding at the end the following:

“(viii)(I) If data required to support registration of a pesticide under subparagraph (A) is requested by a Federal or State regulatory authority, the Administrator shall, to the extent practicable, coordinate data requirements, test protocols, timetables, and standards of review and reduce burdens and redundancy caused to the registrant by multiple requirements on the registrant.

“(II) The Administrator may enter into a cooperative agreement with a State to carry out subclause (I).

“(III) Not later than 1 year after the date of enactment of this clause, the Administrator shall develop a process to identify and assist in alleviating future disparities between Federal and State data requirements.”.

#### SEC. 223. LABEL AND LABELING.

Section 3(c) (7 U.S.C. 136a(c)) is amended by adding at the end the following:

“(9) LABELING.—

“(A) ADDITIONAL STATEMENTS.—Subject to subparagraphs (B) and (C), it shall not be a violation of this Act for a registrant to modify the labeling of an antimicrobial pesticide product to include relevant information on product efficacy, product composition, container composition or design, or other characteristics that do not relate to any pesticidal claim or pesticidal activity.

“(B) REQUIREMENTS.—Proposed labeling information under subparagraph (A) shall not be false or misleading, shall not conflict with or detract from any statement required by law or the Administrator as a condition of registration, and shall be substantiated on the request of the Administrator.

“(C) NOTIFICATION AND DISAPPROVAL.—

“(i) NOTIFICATION.—A registration may be modified under subparagraph (A) if —

“(I) the registrant notifies the Administrator in writing not later than 60 days prior to distribution or sale of a product bearing the modified labeling; and

“(II) the Administrator does not disapprove of the modification under clause (ii).

“(ii) DISAPPROVAL.—Not later than 30 days after receipt of a notification under clause (i), the Administrator may disapprove the modification by sending the registrant notification in writing stating that the proposed language is not acceptable and stating the reasons why the Administrator finds the proposed modification unacceptable.

“(iii) RESTRICTION ON SALE.—A registrant may not sell or distribute a product bearing a disapproved modification.

“(iv) OBJECTION.—A registrant may file an objection in writing to a disapproval under clause (ii) not later than 30 days after receipt of notification of the disapproval.

“(v) FINAL ACTION.—A decision by the Administrator following receipt and consideration of an objection filed under clause (iv) shall be considered a final agency action.

“(D) USE DILUTION.—The label or labeling required under this Act for an antimicrobial pesticide that is or may be diluted for use may have a different statement of caution or protective measures for use of the recommended diluted solution of the pesticide than for use of a concentrate of the pesticide if the Administrator determines that —

“(i) adequate data have been submitted to support the statement proposed for the diluted solution uses; and

“(ii) the label or labeling provides adequate protection for exposure to the diluted solution of the pesticide.”.

#### SEC. 224. REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDES.

Section 3 (7 U.S.C. 136a), as amended by section 106(b), is further amended by adding at the end the following:

“(h) REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDES.—

“(1) EVALUATION OF PROCESS.—To the maximum extent practicable consistent with the degrees of risk presented by an antimicrobial pesticide and the type of review appropriate to evaluate the risks, the Administrator shall identify and evaluate reforms to the antimicrobial registration process that would reduce review periods existing as of the date of enactment of this subsection for antimicrobial pesticide product registration applications and applications for amended registration of antimicrobial pesticide products, including—

“(A) new antimicrobial active ingredients;

“(B) new antimicrobial end-use products;

“(C) substantially similar or identical antimicrobial pesticides; and

“(D) amendments to antimicrobial pesticide registrations.

“(2) REVIEW TIME PERIOD REDUCTION GOAL.—Each reform identified under paragraph (1) shall be designed to achieve the goal of reducing the review period following submission of a complete application, consistent with the degree of risk, to a period of not more than—

“(A) 540 days for a new antimicrobial active ingredient pesticide registration;

“(B) 270 days for a new antimicrobial use of a registered active ingredient;

“(C) 120 days for any other new antimicrobial product;

“(D) 90 days for a substantially similar or identical antimicrobial product;

“(E) 90 days for an amendment to an antimicrobial registration that does not require scientific review of data; and

“(F) 90 to 180 days for an amendment to an antimicrobial registration that requires scientific review of data and that is not otherwise described in this paragraph.

“(3) IMPLEMENTATION.—

“(A) PROPOSED RULEMAKING.—

“(i) ISSUANCE.—Not later than 270 days after the date of enactment of this subsection, the Administrator shall publish in the Federal Register proposed regulations to accelerate and improve the review of antimicrobial pesticide products designed to implement, to the extent practicable, the goals set forth in paragraph (2).

Federal Register,  
publication.

“(ii) REQUIREMENTS.—Proposed regulations issued under clause (i) shall—

“(I) define the various classes of antimicrobial use patterns, including household, industrial, and institutional disinfectants and sanitizing pesticides, preservatives, water treatment, and pulp and paper mill additives, and other such products intended to disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms, or protect inanimate objects, industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling, or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime;

“(II) differentiate the types of review undertaken for antimicrobial pesticides;

“(III) conform the degree and type of review to the risks and benefits presented by antimicrobial pesticides and the function of review under this Act, considering the use patterns of the product, toxicity, expected exposure, and product type;

“(IV) ensure that the registration process is sufficient to maintain antimicrobial pesticide efficacy and that antimicrobial pesticide products continue to meet product performance standards and effectiveness levels for each type of label claim made; and

“(V) implement effective and reliable deadlines for process management.

“(iii) COMMENTS.—In developing the proposed regulations, the Administrator shall solicit the views from registrants and other affected parties to maximize the effectiveness of the rule development process.

“(B) FINAL REGULATIONS.—

“(i) ISSUANCE.—The Administrator shall issue final regulations not later than 240 days after the close of the comment period for the proposed regulations.

“(ii) FAILURE TO MEET GOAL.—If a goal described in paragraph (2) is not met by the final regulations, the Administrator shall identify the goal, explain why the goal was not attained, describe the element of the regulations included instead, and identify future steps to attain the goal.

“(iii) REQUIREMENTS.—In issuing final regulations, the Administrator shall—

“(I) consider the establishment of a certification process for regulatory actions involving risks that can be responsibly managed, consistent with the degree of risk, in the most cost-efficient manner;

“(II) consider the establishment of a certification process by approved laboratories as an adjunct to the review process;

“(III) use all appropriate and cost-effective review mechanisms, including—

“(aa) expanded use of notification and non-notification procedures;

“(bb) revised procedures for application review; and

“(cc) allocation of appropriate resources to ensure streamlined management of antimicrobial pesticide registrations; and

“(IV) clarify criteria for determination of the completeness of an application.

“(C) EXPEDITED REVIEW.—This subsection does not affect the requirements or extend the deadlines or review periods contained in subsection (c)(3).

“(D) ALTERNATIVE REVIEW PERIODS.—If the final regulations to carry out this paragraph are not effective 630 days after the date of enactment of this subsection, until the final regulations become effective, the review period, beginning on the date of receipt by the Agency of a complete application, shall be—

“(i) 2 years for a new antimicrobial active ingredient pesticide registration;

“(ii) 1 year for a new antimicrobial use of a registered active ingredient;

“(iii) 180 days for any other new antimicrobial product;

“(iv) 90 days for a substantially similar or identical antimicrobial product;

“(v) 90 days for an amendment to an antimicrobial registration that does not require scientific review of data; and

“(vi) 240 days for an amendment to an antimicrobial registration that requires scientific review of data and that is not otherwise described in this subparagraph.

Review.

“(E) WOOD PRESERVATIVES.—An application for the registration, or for an amendment to the registration, of a wood preservative product for which a claim of pesticidal activity listed in section 2(mm) is made (regardless of any other pesticidal claim that is made with respect to the product) shall be reviewed by the Administrator within

the same period as that established under this paragraph for an antimicrobial pesticide product application, consistent with the degree of risk posed by the use of the wood preservative product, if the application requires the applicant to satisfy the same data requirements as are required to support an application for a wood preservative product that is an antimicrobial pesticide.

“(F) NOTIFICATION.—

“(i) IN GENERAL.—Subject to clause (iii), the Administrator shall notify an applicant whether an application has been granted or denied not later than the final day of the appropriate review period under this paragraph, unless the applicant and the Administrator agree to a later date.

“(ii) FINAL DECISION.—If the Administrator fails to notify an applicant within the period of time required under clause (i), the failure shall be considered an agency action unlawfully withheld or unreasonably delayed for purposes of judicial review under chapter 7 of title 5, United States Code.

“(iii) EXEMPTION.—This subparagraph does not apply to an application for an antimicrobial pesticide that is filed under subsection (c)(3)(B) prior to 90 days after the date of enactment of this subsection.

“(4) ANNUAL REPORT.—

“(A) SUBMISSION.—Beginning on the date of enactment of this subsection and ending on the date that the goals under paragraph (2) are achieved, the Administrator shall, not later than March 1 of each year, prepare and submit an annual report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

“(B) REQUIREMENTS.—A report submitted under subparagraph (A) shall include a description of—

“(i) measures taken to reduce the backlog of pending registration applications;

“(ii) progress toward achieving reforms under this subsection; and

“(iii) recommendations to improve the activities of the Agency pertaining to antimicrobial registrations.”.

**SEC. 225. DISPOSAL OF HOUSEHOLD, INDUSTRIAL, OR INSTITUTIONAL ANTIMICROBIAL PRODUCTS.**

Section 19(h) (7 U.S.C. 136q(h)) is amended—

(1) by striking “Nothing in” and inserting the following:

“(1) IN GENERAL.—Nothing in”; and

(2) by adding at the end the following:

“(2) ANTIMICROBIAL PRODUCTS.—A household, industrial, or institutional antimicrobial product that is not subject to regulation under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) shall not be subject to the provisions of subsections (a), (e), and (f), unless the Administrator determines that such product must be subject to such provisions to prevent an unreasonable adverse effect on the environment.”.

## Subtitle C—Public Health Pesticides

### SEC. 230. DEFINITIONS.

(a) ADVERSE EFFECTS.—Section 2(bb) (7 U.S.C. 136(bb)) is amended by adding at the end the following: “The Administrator shall consider the risks and benefits of public health pesticides separate from the risks and benefits of other pesticides. In weighing any regulatory action concerning a public health pesticide under this Act, the Administrator shall weigh any risks of the pesticide against the health risks such as the diseases transmitted by the vector to be controlled by the pesticide.”

(b) NEW DEFINITIONS.—Section 2 (7 U.S.C. 136), as amended by section 221, is amended by adding at the end the following:

“(nn) PUBLIC HEALTH PESTICIDE.—The term ‘public health pesticide’ means any minor use pesticide product registered for use and used predominantly in public health programs for vector control or for other recognized health protection uses, including the prevention or mitigation of viruses, bacteria, or other microorganisms (other than viruses, bacteria, or other microorganisms on or in living man or other living animal) that pose a threat to public health.

“(oo) VECTOR.—The term ‘vector’ means any organism capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including mosquitoes, flies, fleas, cockroaches, or other insects and ticks, mites, or rats.”

### SEC. 231. REGISTRATION.

Section 3(c)(2)(A) (7 U.S.C. 136a(c)(2)(A)) is amended—

(1) by inserting after “pattern of use,” the following: “the public health and agricultural need for such minor use,”; and

(2) by striking “potential exposure of man and the environment to the pesticide” and inserting “potential beneficial or adverse effects on man and the environment”.

### SEC. 232. REREGISTRATION.

Section 4 (7 U.S.C. 136a-1) is amended—

(1) in subsection (i)(4), by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by adding after subparagraph (A) the following:

“(B) The Administrator shall exempt any public health pesticide from the payment of the fee prescribed under paragraph (3) if, in consultation with the Secretary of Health and Human Services, the Administrator determines, based on information supplied by the registrant, that the economic return to the registrant from sales of the pesticide does not support the registration or reregistration of the pesticide.”;

(2) in subsection (i)(5), by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively, and by adding after subparagraph (E) the following:

“(F) The Administrator shall exempt any public health pesticide from the payment of the fee prescribed under paragraph (3) if, in consultation with the Secretary of Health and Human Services, the Administrator determines, based on information supplied by the registrant, that the economic return to the registrant from sales of

the pesticide does not support the registration or reregistration of the pesticide.”;

(3) in subsection (i)(7)(B), by striking “or to determine” and inserting “, to determine” and by inserting before the period the following: “, or to determine the volume usage for public health pesticides”; and

(4) in subsection (k)(3)(A), by striking “or” at the end of clause (i), by striking the period at the end of clause (ii) and inserting thereof “; or”, and by adding after clause (ii) the following:

“(iii) proposes the initial or amended registration of an end use pesticide that, if registered as proposed, would be used for a public health pesticide.”.

#### SEC. 233. CANCELLATION.

Section 6(b) (7 U.S.C. 136d(b)) is amended by adding after the eighth sentence the following: “When a public health use is affected, the Secretary of Health and Human Services should provide available benefits and use information, or an analysis thereof, in accordance with the procedures followed and subject to the same conditions as the Secretary of Agriculture in the case of agricultural pesticides.”.

#### SEC. 234. VIEWS OF THE SECRETARY OF HEALTH AND HUMAN SERVICES.

Section 21 (7 U.S.C. 136s) is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by adding after subsection (a) the following:

“(b) SECRETARY OF HEALTH AND HUMAN SERVICES.—The Administrator, before publishing regulations under this Act for any public health pesticide, shall solicit the views of the Secretary of Health and Human Services in the same manner as the views of the Secretary of Agriculture are solicited under section 25(a)(2).”.

#### SEC. 235. AUTHORITY OF ADMINISTRATOR.

Section 25(a)(1) (7 U.S.C. 136w(a)(1)) is amended—

(1) by inserting after “various classes of pesticides” the following: “, including public health pesticides”; and

(2) by striking “and nonagricultural pesticides” and inserting “, nonagricultural, and public health pesticides”.

#### SEC. 236. IDENTIFICATION OF PESTS.

Section 28 (7 U.S.C. 136w-3) is amended by adding at the end the following:

“(d) PUBLIC HEALTH PESTS.—The Administrator, in coordination with the Secretary of Agriculture and the Secretary of Health and Human Services, shall identify pests of significant public health importance and, in coordination with the Public Health Service, develop and implement programs to improve and facilitate the safe and necessary use of chemical, biological, and other methods to combat and control such pests of public health importance.”.

#### SEC. 237. PUBLIC HEALTH DATA.

Section 4 (7 U.S.C. 136a-1) is amended by adding at the end the following:

“(m) AUTHORIZATION OF FUNDS TO DEVELOP PUBLIC HEALTH DATA.—

“(1) DEFINITION.—For the purposes of this section, ‘Secretary’ means the Secretary of Health and Human Services, acting through the Public Health Service.

Regulations. “(2) CONSULTATION.—In the case of a pesticide registered for use in public health programs for vector control or for other uses the Administrator determines to be human health protection uses, the Administrator shall, upon timely request by the registrant or any other interested person, or on the Administrator’s own initiative may, consult with the Secretary prior to taking final action to suspend registration under section 3(c)(2)(B)(iv), or cancel a registration under section 4, 6(e), or 6(f). In consultation with the Secretary, the Administrator shall prescribe the form and content of requests under this section.

“(3) BENEFITS TO SUPPORT FAMILY.—The Administrator, after consulting with the Secretary, shall make a determination whether the potential benefits of continued use of the pesticide for public health or health protection purposes are of such significance as to warrant a commitment by the Secretary to conduct or to arrange for the conduct of the studies required by the Administrator to support continued registration under section 3 or reregistration under section 4.

Notification. “(4) ADDITIONAL TIME.—If the Administrator determines that such a commitment is warranted and in the public interest, the Administrator shall notify the Secretary and shall, to the extent necessary, amend a notice issued under section 3(c)(2)(B) to specify additional reasonable time periods for submission of the data.

“(5) ARRANGEMENTS.—The Secretary shall make such arrangements for the conduct of required studies as the Secretary finds necessary and appropriate to permit submission of data in accordance with the time periods prescribed by the Administrator. Such arrangements may include Public Health Service intramural research activities, grants, contracts, or cooperative agreements with academic, public health, or other organizations qualified by experience and training to conduct such studies.

Notification. “(6) SUPPORT.—The Secretary may provide for support of the required studies using funds authorized to be appropriated under this section, the Public Health Service Act, or other appropriate authorities. After a determination is made under subsection (d), the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate of the sums required to conduct the necessary studies.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the purposes of this section \$12,000,000 for fiscal year 1997, and such sums as may be necessary for succeeding fiscal years.”.

## Subtitle D—Expedited Registration of Reduced Risk Pesticides

### SEC. 250. EXPEDITED REGISTRATION OF PESTICIDES.

Section 3(c) (7 U.S.C. 136a(c)), as amended by section 223, is amended—

(1) by adding at the end of paragraph (1) the following:

“(G) If the applicant is requesting that the registration or amendment to the registration of a pesticide be expedited, an explanation of the basis for the request must be submitted, in accordance with paragraph (10) of this subsection.”; and

(2) by adding at the end the following:

“(10) EXPEDITED REGISTRATION OF PESTICIDES.—

“(A) Not later than 1 year after the date of enactment of this paragraph, the Administrator shall, utilizing public comment, develop procedures and guidelines, and expedite the review of an application for registration of a pesticide or an amendment to a registration that satisfies such guidelines.

Guidelines.

“(B) Any application for registration or an amendment, including biological and conventional pesticides, will be considered for expedited review under this paragraph. An application for registration or an amendment shall qualify for expedited review if use of the pesticide proposed by the application may reasonably be expected to accomplish 1 or more of the following:

“(i) Reduce the risks of pesticides to human health.

“(ii) Reduce the risks of pesticides to nontarget organisms.

“(iii) Reduce the potential for contamination of groundwater, surface water, or other valued environmental resources.

“(iv) Broaden the adoption of integrated pest management strategies, or make such strategies more available or more effective.

“(C) The Administrator, not later than 30 days after receipt of an application for expedited review, shall notify the applicant whether the application is complete. If it is found to be incomplete, the Administrator may either reject the request for expedited review or ask the applicant for additional information to satisfy the guidelines developed under subparagraph (A).”.

Notification.

### **TITLE III—DATA COLLECTION ACTIVITIES TO ASSURE THE HEALTH OF INFANTS AND CHILDREN AND OTHER MEASURES**

#### **SEC. 301. DATA COLLECTION ACTIVITIES TO ASSURE THE HEALTH OF INFANTS AND CHILDREN.**

21 USC 346a note.

(a) **IN GENERAL.**—The Secretary of Agriculture, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Health and Human Services, shall coordinate the development and implementation of survey procedures to ensure that adequate data on food consumption patterns of infants and children are collected.

(b) **PROCEDURES.**—To the extent practicable, the procedures referred to in subsection (a) shall include the collection of data on food consumption patterns of a statistically valid sample of infants and children.

(c) **RESIDUE DATA COLLECTION.**—The Secretary of Agriculture shall ensure that the residue data collection activities conducted by the Department of Agriculture in cooperation with the Environmental Protection Agency and the Department of Health and Human Services, provide for the improved data collection of pesticide residues, including guidelines for the use of comparable analytical and standardized reporting methods, and the increased sampling of foods most likely consumed by infants and children.

7 USC 136i-2.

#### **SEC. 302. COLLECTION OF PESTICIDE USE INFORMATION.**

(a) **IN GENERAL.**—The Secretary of Agriculture shall collect data of statewide or regional significance on the use of pesticides to control pests and diseases of major crops and crops of dietary significance, including fruits and vegetables.

(b) **COLLECTION.**—The data shall be collected by surveys of farmers or from other sources offering statistically reliable data.

(c) **COORDINATION.**—The Secretary of Agriculture shall, as appropriate, coordinate with the Administrator of the Environmental Protection Agency in the design of the surveys and make available to the Administrator the aggregate results of the surveys to assist the Administrator.

7 USC 136r-1.

#### **SEC. 303. INTEGRATED PEST MANAGEMENT.**

The Secretary of Agriculture, in cooperation with the Administrator, shall implement research, demonstration, and education programs to support adoption of Integrated Pest Management. Integrated Pest Management is a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks. The Secretary of Agriculture and the Administrator shall make information on Integrated Pest Management widely available to pesticide users, including Federal agencies. Federal agencies shall use Integrated Pest Management techniques in carrying out pest management activities and shall promote Integrated Pest Management through procurement and regulatory policies, and other activities.

#### **SEC. 304. COORDINATION OF CANCELLATION.**

Section 2(bb) (7 U.S.C. 136(bb)) is amended—

- (1) by inserting “(1)” after “means”; and
- (2) by striking the period at the end of the first sentence and inserting “, or (2) a human dietary risk from residues that result from a use of a pesticide in or on any food inconsistent with the standard under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a).”.

7 USC 136i-2  
note.  
Reports.

#### **SEC. 305. PESTICIDE USE INFORMATION STUDY.**

(a) The Secretary of Agriculture shall, in consultation with the Administrator of the Environmental Protection Agency, prepare a report to Congress evaluating the current status and potential improvements in Federal pesticide use information gathering activities. This report shall at least include—

(1) an analysis of the quality and reliability of the information collected by the Department of Agriculture, the Environmental Protection Agency, and other Federal agencies regarding the agricultural use of pesticides; and

(2) an analysis of options to increase the effectiveness of national pesticide use information collection, including an

analysis of costs, burdens placed on agricultural producers and other pesticide users, and effectiveness in tracking risk reduction by those options.

(b) The Secretary shall submit this report to Congress not later than 1 year following the date of enactment of this section.

## TITLE IV—AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Food Quality  
Protection Act of  
1996.

### SEC 401. SHORT TITLE AND REFERENCE.

(a) **SHORT TITLE.**—This title may be cited as the “Food Quality Protection Act of 1996”. 21 USC 301 note.

(b) **REFERENCE.**—Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

### SEC. 402. DEFINITIONS.

(a) **SECTION 201(q).**—Section 201(q) (21 U.S.C. 321(q)) is amended to read as follows:

“(q)(1) The term ‘pesticide chemical’ means any substance that is a pesticide within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, including all active and inert ingredients of such pesticide.

“(2) The term ‘pesticide chemical residue’ means a residue in or on raw agricultural commodity or processed food of—

“(A) a pesticide chemical; or

“(B) any other added substance that is present on or in the commodity or food primarily as a result of the metabolism or other degradation of a pesticide chemical.

“(3) Notwithstanding paragraphs (1) and (2), the Administrator may by regulation except a substance from the definition of ‘pesticide chemical’ or ‘pesticide chemical residue’ if—

“(A) its occurrence as a residue on or in a raw agricultural commodity or processed food is attributable primarily to natural causes or to human activities not involving the use of any substances for a pesticidal purpose in the production, storage, processing, or transportation of any raw agricultural commodity or processed food; and

“(B) the Administrator, after consultation with the Secretary, determines that the substance more appropriately should be regulated under one or more provisions of this Act other than sections 402(a)(2)(B) and 408.”.

(b) **SECTION 201(s).**—Paragraphs (1) and (2) of section 201(s) (21 U.S.C. 321(s)) are amended to read as follows:

“(1) a pesticide chemical residue in or on a raw agricultural commodity or processed food; or

“(2) a pesticide chemical; or”.

(c) **SECTION 201.**—Section 201 (21 U.S.C. 321) is amended by adding at the end the following:

“(gg) The term ‘processed food’ means any food other than a raw agricultural commodity and includes any raw agricultural

commodity that has been subject to processing, such as canning, cooking, freezing, dehydration, or milling.

“(hh) The term ‘Administrator’ means the Administrator of the United States Environmental Protection Agency.”.

#### SEC. 403. PROHIBITED ACTS.

Section 301(j) (21 U.S.C. 331(j)) is amended in the first sentence by inserting before the period the following: “; or the violating of section 408(i)(2) or any regulation issued under that section.”.

#### SEC. 404. ADULTERATED FOOD.

Section 402(a) (21 U.S.C. 342(a)) is amended by striking “(2)(A) if it bears” and all that follows through “(3) if it consists” and inserting the following: “(2)(A) if it bears or contains any added poisonous or added deleterious substance (other than a substance that is a pesticide chemical residue in or on a raw agricultural commodity or processed food, a food additive, a color additive, or a new animal drug) that is unsafe within the meaning of section 406; or (B) if it bears or contains a pesticide chemical residue that is unsafe within the meaning of section 408(a); or (C) if it is or if it bears or contains (i) any food additive that is unsafe within the meaning of section 409; or (ii) a new animal drug (or conversion product thereof) that is unsafe within the meaning of section 512; or (3) if it consists”.

#### SEC. 405. TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES.

Section 408 (21 U.S.C. 346a) is amended to read as follows:

##### “TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES

“SEC. 408. (a) REQUIREMENT FOR TOLERANCE OR EXEMPTION.—

“(1) GENERAL RULE.—Except as provided in paragraph (2) or (3), any pesticide chemical residue in or on a food shall be deemed unsafe for the purpose of section 402(a)(2)(B) unless—

“(A) a tolerance for such pesticide chemical residue in or on such food is in effect under this section and the quantity of the residue is within the limits of the tolerance; or

“(B) an exemption from the requirement of a tolerance is in effect under this section for the pesticide chemical residue.

For the purposes of this section, the term ‘food’, when used as a noun without modification, shall mean a raw agricultural commodity or processed food.

“(2) PROCESSED FOOD.—Notwithstanding paragraph (1)—

“(A) if a tolerance is in effect under this section for a pesticide chemical residue in or on a raw agricultural commodity, a pesticide chemical residue that is present in or on a processed food because the food is made from that raw agricultural commodity shall not be considered unsafe within the meaning of section 402(a)(2)(B) despite the lack of a tolerance for the pesticide chemical residue in or on the processed food if the pesticide chemical has been used in or on the raw agricultural commodity in conformity with a tolerance under this section, such residue in or on the raw agricultural commodity has been removed

to the extent possible in good manufacturing practice, and the concentration of the pesticide chemical residue in the processed food is not greater than the tolerance prescribed for the pesticide chemical residue in the raw agricultural commodity; or

“(B) if an exemption for the requirement for a tolerance is in effect under this section for a pesticide chemical residue in or on a raw agricultural commodity, a pesticide chemical residue that is present in or on a processed food because the food is made from that raw agricultural commodity shall not be considered unsafe within the meaning of section 402(a)(2)(B).

“(3) RESIDUES OF DEGRADATION PRODUCTS.—If a pesticide chemical residue is present in or on a food because it is a metabolite or other degradation product of a precursor substance that itself is a pesticide chemical or pesticide chemical residue, such a residue shall not be considered to be unsafe within the meaning of section 402(a)(2)(B) despite the lack of a tolerance or exemption from the need for a tolerance for such residue in or on such food if—

“(A) the Administrator has not determined that the degradation product is likely to pose any potential health risk from dietary exposure that is of a different type than, or of a greater significance than, any risk posed by dietary exposure to the precursor substance;

“(B) either—

“(i) a tolerance is in effect under this section for residues of the precursor substance in or on the food, and the combined level of residues of the degradation product and the precursor substance in or on the food is at or below the stoichiometrically equivalent level that would be permitted by the tolerance if the residue consisted only of the precursor substance rather than the degradation product; or

“(ii) an exemption from the need for a tolerance is in effect under this section for residues of the precursor substance in or on the food; and

“(C) the tolerance or exemption for residues of the precursor substance does not state that it applies only to particular named substances and does not state that it does not apply to residues of the degradation product.

“(4) EFFECT OF TOLERANCE OR EXEMPTION.—While a tolerance or exemption from the requirement for a tolerance is in effect under this section for a pesticide chemical residue with respect to any food, the food shall not by reason of bearing or containing any amount of such a residue be considered to be adulterated within the meaning of section 402(a)(1).

“(b) AUTHORITY AND STANDARD FOR TOLERANCE.—

“(1) AUTHORITY.—The Administrator may issue regulations establishing, modifying, or revoking a tolerance for a pesticide chemical residue in or on a food—

“(A) in response to a petition filed under subsection (d); or

“(B) on the Administrator's own initiative under subsection (e).

As used in this section, the term ‘modify’ shall not mean expanding the tolerance to cover additional foods.

“(2) STANDARD.—

“(A) GENERAL RULE.—

“(i) STANDARD.—The Administrator may establish or leave in effect a tolerance for a pesticide chemical residue in or on a food only if the Administrator determines that the tolerance is safe. The Administrator shall modify or revoke a tolerance if the Administrator determines it is not safe.

“(ii) DETERMINATION OF SAFETY.—As used in this section, the term ‘safe’, with respect to a tolerance for a pesticide chemical residue, means that the Administrator has determined that there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.

“(iii) RULE OF CONSTRUCTION.—With respect to a tolerance, a pesticide chemical residue meeting the standard under clause (i) is not an eligible pesticide chemical residue for purposes of subparagraph (B).

“(B) TOLERANCES FOR ELIGIBLE PESTICIDE CHEMICAL RESIDUES.—

“(i) DEFINITION.—As used in this subparagraph, the term ‘eligible pesticide chemical residue’ means a pesticide chemical residue as to which—

“(I) the Administrator is not able to identify a level of exposure to the residue at which the residue will not cause or contribute to a known or anticipated harm to human health (referred to in this section as a ‘nonthreshold effect’);

“(II) the lifetime risk of experiencing the non-threshold effect is appropriately assessed by quantitative risk assessment; and

“(III) with regard to any known or anticipated harm to human health for which the Administrator is able to identify a level at which the residue will not cause such harm (referred to in this section as a ‘threshold effect’), the Administrator determines that the level of aggregate exposure is safe.

“(ii) DETERMINATION OF TOLERANCE.—Notwithstanding subparagraph (A)(i), a tolerance for an eligible pesticide chemical residue may be left in effect or modified under this subparagraph if—

“(I) at least one of the conditions described in clause (iii) is met; and

“(II) both of the conditions described in clause (iv) are met.

“(iii) CONDITIONS REGARDING USE.—For purposes of clause (ii), the conditions described in this clause with respect to a tolerance for an eligible pesticide chemical residue are the following:

“(I) Use of the pesticide chemical that produces the residue protects consumers from adverse effects on health that would pose a greater risk than the dietary risk from the residue.

“(II) Use of the pesticide chemical that produces the residue is necessary to avoid a significant

disruption in domestic production of an adequate, wholesome, and economical food supply.

“(iv) CONDITIONS REGARDING RISK.—For purposes of clause (ii), the conditions described in this clause with respect to a tolerance for an eligible pesticide chemical residue are the following:

“(I) The yearly risk associated with the non-threshold effect from aggregate exposure to the residue does not exceed 10 times the yearly risk that would be allowed under subparagraph (A) for such effect.

“(II) The tolerance is limited so as to ensure that the risk over a lifetime associated with the nonthreshold effect from aggregate exposure to the residue is not greater than twice the lifetime risk that would be allowed under subparagraph (A) for such effect.

“(v) REVIEW.—Five years after the date on which the Administrator makes a determination to leave in effect or modify a tolerance under this subparagraph, and thereafter as the Administrator deems appropriate, the Administrator shall determine, after notice and opportunity for comment, whether it has been demonstrated to the Administrator that a condition described in clause (iii)(I) or clause (iii)(II) continues to exist with respect to the tolerance and that the yearly and lifetime risks from aggregate exposure to such residue continue to comply with the limits specified in clause (iv). If the Administrator determines by such date that such demonstration has not been made, the Administrator shall, not later than 180 days after the date of such determination, issue a regulation under subsection (e)(1) to modify or revoke the tolerance.

Regulations.

“(vi) INFANTS AND CHILDREN.—Any tolerance under this subparagraph shall meet the requirements of subparagraph (C).

“(C) EXPOSURE OF INFANTS AND CHILDREN.—In establishing, modifying, leaving in effect, or revoking a tolerance or exemption for a pesticide chemical residue, the Administrator—

“(i) shall assess the risk of the pesticide chemical residue based on—

“(I) available information about consumption patterns among infants and children that are likely to result in disproportionately high consumption of foods containing or bearing such residue among infants and children in comparison to the general population;

“(II) available information concerning the special susceptibility of infants and children to the pesticide chemical residues, including neurological differences between infants and children and adults, and effects of in utero exposure to pesticide chemicals; and

“(III) available information concerning the cumulative effects on infants and children of such

residues and other substances that have a common mechanism of toxicity; and

“(ii) shall—

“(I) ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue; and

Publication.

“(II) publish a specific determination regarding the safety of the pesticide chemical residue for infants and children.

Surveys.

The Secretary of Health and Human Services and the Secretary of Agriculture, in consultation with the Administrator, shall conduct surveys to document dietary exposure to pesticides among infants and children. In the case of threshold effects, for purposes of clause (ii)(I) an additional tenfold margin of safety for the pesticide chemical residue and other sources of exposure shall be applied for infants and children to take into account potential pre- and post-natal toxicity and completeness of the data with respect to exposure and toxicity to infants and children. Notwithstanding such requirement for an additional margin of safety, the Administrator may use a different margin of safety for the pesticide chemical residue only if, on the basis of reliable data, such margin will be safe for infants and children.

“(D) FACTORS.—In establishing, modifying, leaving in effect, or revoking a tolerance or exemption for a pesticide chemical residue, the Administrator shall consider, among other relevant factors—

“(i) the validity, completeness, and reliability of the available data from studies of the pesticide chemical and pesticide chemical residue;

“(ii) the nature of any toxic effect shown to be caused by the pesticide chemical or pesticide chemical residue in such studies;

“(iii) available information concerning the relationship of the results of such studies to human risk;

“(iv) available information concerning the dietary consumption patterns of consumers (and major identifiable subgroups of consumers);

“(v) available information concerning the cumulative effects of such residues and other substances that have a common mechanism of toxicity;

“(vi) available information concerning the aggregate exposure levels of consumers (and major identifiable subgroups of consumers) to the pesticide chemical residue and to other related substances, including dietary exposure under the tolerance and all other tolerances in effect for the pesticide chemical residue, and exposure from other non-occupational sources;

“(vii) available information concerning the variability of the sensitivities of major identifiable subgroups of consumers;

“(viii) such information as the Administrator may require on whether the pesticide chemical may have an effect in humans that is similar to an effect pro-

duced by a naturally occurring estrogen or other endocrine effects; and

“(ix) safety factors which in the opinion of experts qualified by scientific training and experience to evaluate the safety of food additives are generally recognized as appropriate for the use of animal experimentation data.

“(E) DATA AND INFORMATION REGARDING ANTICIPATED AND ACTUAL RESIDUE LEVELS.—

“(i) AUTHORITY.—In establishing, modifying, leaving in effect, or revoking a tolerance for a pesticide chemical residue, the Administrator may consider available data and information on the anticipated residue levels of the pesticide chemical in or on food and the actual residue levels of the pesticide chemical that have been measured in food, including residue data collected by the Food and Drug Administration.

“(ii) REQUIREMENT.—If the Administrator relies on anticipated or actual residue levels in establishing, modifying, or leaving in effect a tolerance, the Administrator shall pursuant to subsection (f)(1) require that data be provided five years after the date on which the tolerance is established, modified, or left in effect, and thereafter as the Administrator deems appropriate, demonstrating that such residue levels are not above the levels so relied on. If such data are not so provided, or if the data do not demonstrate that the residue levels are not above the levels so relied on, the Administrator shall, not later than 180 days after the date on which the data were required to be provided, issue a regulation under subsection (e)(1), or an order under subsection (f)(2), as appropriate, to modify or revoke the tolerance.

Regulations.

“(F) PERCENT OF FOOD ACTUALLY TREATED.—In establishing, modifying, leaving in effect, or revoking a tolerance for a pesticide chemical residue, the Administrator may, when assessing chronic dietary risk, consider available data and information on the percent of food actually treated with the pesticide chemical (including aggregate pesticide use data collected by the Department of Agriculture) only if the Administrator—

“(i) finds that the data are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide chemical residue;

“(ii) finds that the exposure estimate does not understate exposure for any significant subpopulation group;

“(iii) finds that, if data are available on pesticide use and consumption of food in a particular area, the population in such area is not dietarily exposed to residues above those estimated by the Administrator; and

“(iv) provides for the periodic reevaluation of the estimate of anticipated dietary exposure.

“(3) DETECTION METHODS.—

“(A) GENERAL RULE.—A tolerance for a pesticide chemical residue in or on a food shall not be established or

modified by the Administrator unless the Administrator determines, after consultation with the Secretary, that there is a practical method for detecting and measuring the levels of the pesticide chemical residue in or on the food.

“(B) DETECTION LIMIT.—A tolerance for a pesticide chemical residue in or on a food shall not be established at or modified to a level lower than the limit of detection of the method for detecting and measuring the pesticide chemical residue specified by the Administrator under subparagraph (A).

“(4) INTERNATIONAL STANDARDS.—In establishing a tolerance for a pesticide chemical residue in or on a food, the Administrator shall determine whether a maximum residue level for the pesticide chemical has been established by the Codex Alimentarius Commission. If a Codex maximum residue level has been established for the pesticide chemical and the Administrator does not propose to adopt the Codex level, the Administrator shall publish for public comment a notice explaining the reasons for departing from the Codex level.

“(c) AUTHORITY AND STANDARD FOR EXEMPTIONS.—

“(1) AUTHORITY.—The Administrator may issue a regulation establishing, modifying, or revoking an exemption from the requirement for a tolerance for a pesticide chemical residue in or on food—

“(A) in response to a petition filed under subsection (d); or

“(B) on the Administrator’s initiative under subsection (e).

“(2) STANDARD.—

“(A) GENERAL RULE.—

“(i) STANDARD.—The Administrator may establish or leave in effect an exemption from the requirement for a tolerance for a pesticide chemical residue in or on food only if the Administrator determines that the exemption is safe. The Administrator shall modify or revoke an exemption if the Administrator determines it is not safe.

“(ii) DETERMINATION OF SAFETY.—The term ‘safe’, with respect to an exemption for a pesticide chemical residue, means that the Administrator has determined that there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.

“(B) FACTORS.—In making a determination under this paragraph, the Administrator shall take into account, among other relevant considerations, the considerations set forth in subparagraphs (C) and (D) of subsection (b)(2).

“(3) LIMITATION.—An exemption from the requirement for a tolerance for a pesticide chemical residue in or on food shall not be established or modified by the Administrator unless the Administrator determines, after consultation with the Secretary—

Publication.

“(A) that there is a practical method for detecting and measuring the levels of such pesticide chemical residue in or on food; or

“(B) that there is no need for such a method, and states the reasons for such determination in issuing the regulation establishing or modifying the exemption.

“(d) PETITION FOR TOLERANCE OR EXEMPTION.—

“(1) PETITIONS AND PETITIONERS.—Any person may file with the Administrator a petition proposing the issuance of a regulation—

“(A) establishing, modifying, or revoking a tolerance for a pesticide chemical residue in or on a food; or

“(B) establishing, modifying, or revoking an exemption from the requirement of a tolerance for such a residue.

“(2) PETITION CONTENTS.—

“(A) ESTABLISHMENT.—A petition under paragraph (1) to establish a tolerance or exemption for a pesticide chemical residue shall be supported by such data and information as are specified in regulations issued by the Administrator, including—

Regulations.

“(i)(I) an informative summary of the petition and of the data, information, and arguments submitted or cited in support of the petition; and

“(II) a statement that the petitioner agrees that such summary or any information it contains may be published as a part of the notice of filing of the petition to be published under this subsection and as part of a proposed or final regulation issued under this section;

“(ii) the name, chemical identity, and composition of the pesticide chemical residue and of the pesticide chemical that produces the residue;

“(iii) data showing the recommended amount, frequency, method, and time of application of that pesticide chemical;

“(iv) full reports of tests and investigations made with respect to the safety of the pesticide chemical, including full information as to the methods and controls used in conducting those tests and investigations;

“(v) full reports of tests and investigations made with respect to the nature and amount of the pesticide chemical residue that is likely to remain in or on the food, including a description of the analytical methods used;

“(vi) a practical method for detecting and measuring the levels of the pesticide chemical residue in or on the food, or for exemptions, a statement why such a method is not needed;

“(vii) a proposed tolerance for the pesticide chemical residue, if a tolerance is proposed;

“(viii) if the petition relates to a tolerance for a processed food, reports of investigations conducted using the processing method(s) used to produce that food;

“(ix) such information as the Administrator may require to make the determination under subsection (b)(2)(C);

“(x) such information as the Administrator may require on whether the pesticide chemical may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen or other endocrine effects;

“(xi) information regarding exposure to the pesticide chemical residue due to any tolerance or exemption already granted for such residue;

“(xii) practical methods for removing any amount of the residue that would exceed any proposed tolerance; and

“(xiii) such other data and information as the Administrator requires by regulation to support the petition.

If information or data required by this subparagraph is available to the Administrator, the person submitting the petition may cite the availability of the information or data in lieu of submitting it. The Administrator may require a petition to be accompanied by samples of the pesticide chemical with respect to which the petition is filed.

“(B) MODIFICATION OR REVOCATION.—The Administrator may by regulation establish the requirements for information and data to support a petition to modify or revoke a tolerance or to modify or revoke an exemption from the requirement for a tolerance.

Publication.

“(3) NOTICE.—A notice of the filing of a petition that the Administrator determines has met the requirements of paragraph (2) shall be published by the Administrator within 30 days after such determination. The notice shall announce the availability of a description of the analytical methods available to the Administrator for the detection and measurement of the pesticide chemical residue with respect to which the petition is filed or shall set forth the petitioner's statement of why such a method is not needed. The notice shall include the summary required by paragraph (2)(A)(i)(I).

“(4) ACTIONS BY THE ADMINISTRATOR.—

Regulations.

“(A) IN GENERAL.—The Administrator shall, after giving due consideration to a petition filed under paragraph (1) and any other information available to the Administrator—

“(i) issue a final regulation (which may vary from that sought by the petition) establishing, modifying, or revoking a tolerance for the pesticide chemical residue or an exemption of the pesticide chemical residue from the requirement of a tolerance (which final regulation shall be issued without further notice and without further period for public comment);

“(ii) issue a proposed regulation under subsection (e), and thereafter issue a final regulation under such subsection; or

“(iii) issue an order denying the petition.

“(B) PRIORITIES.—The Administrator shall give priority to petitions for the establishment or modification of a tolerance or exemption for a pesticide chemical residue that appears to pose a significantly lower risk to human health

from dietary exposure than pesticide chemical residues that have tolerances in effect for the same or similar uses.

“(C) EXPEDITED REVIEW OF CERTAIN PETITIONS.—

“(i) DATE CERTAIN FOR REVIEW.—If a person files a complete petition with the Administrator proposing the issuance of a regulation establishing a tolerance or exemption for a pesticide chemical residue that presents a lower risk to human health than a pesticide chemical residue for which a tolerance has been left in effect or modified under subsection (b)(2)(B), the Administrator shall complete action on such petition under this paragraph within 1 year.

“(ii) REQUIRED DETERMINATIONS.—If the Administrator issues a final regulation establishing a tolerance or exemption for a safer pesticide chemical residue under clause (i), the Administrator shall, not later than 180 days after the date on which the regulation is issued, determine whether a condition described in subclause (I) or (II) of subsection (b)(2)(B)(iii) continues to exist with respect to a tolerance that has been left in effect or modified under subsection (b)(2)(B). If such condition does not continue to exist, the Administrator shall, not later than 180 days after the date on which the determination under the preceding sentence is made, issue a regulation under subsection (e)(1) to modify or revoke the tolerance.

Regulations.

“(e) ACTION ON ADMINISTRATOR’S OWN INITIATIVE.—

“(1) GENERAL RULE.—The Administrator may issue a regulation—

“(A) establishing, modifying, suspending under subsection (1)(3), or revoking a tolerance for a pesticide chemical or a pesticide chemical residue;

“(B) establishing, modifying, suspending under subsection (1)(3), or revoking an exemption of a pesticide chemical residue from the requirement of a tolerance; or

“(C) establishing general procedures and requirements to implement this section.

“(2) NOTICE.—Before issuing a final regulation under paragraph (1), the Administrator shall issue a notice of proposed rulemaking and provide a period of not less than 60 days for public comment on the proposed regulation, except that a shorter period for comment may be provided if the Administrator for good cause finds that it would be in the public interest to do so and states the reasons for the finding in the notice of proposed rulemaking.

“(f) SPECIAL DATA REQUIREMENTS.—

“(1) REQUIRING SUBMISSION OF ADDITIONAL DATA.—If the Administrator determines that additional data or information are reasonably required to support the continuation of a tolerance or exemption that is in effect under this section for a pesticide chemical residue on a food, the Administrator shall—

“(A) issue a notice requiring the person holding the pesticide registrations associated with such tolerance or exemption to submit the data or information under section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act;

Notice.

Rules.

Federal Register,  
publication.

“(B) issue a rule requiring that testing be conducted on a substance or mixture under section 4 of the Toxic Substances Control Act; or

“(C) publish in the Federal Register, after first providing notice and an opportunity for comment of not less than 60 days’ duration, an order—

“(i) requiring the submission to the Administrator by one or more interested persons of a notice identifying the person or persons who will submit the required data and information;

“(ii) describing the type of data and information required to be submitted to the Administrator and stating why the data and information could not be obtained under the authority of section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act or section 4 of the Toxic Substances Control Act;

“(iii) describing the reports of the Administrator required to be prepared during and after the collection of the data and information;

“(iv) requiring the submission to the Administrator of the data, information, and reports referred to in clauses (ii) and (iii); and

“(v) establishing dates by which the submissions described in clauses (i) and (iv) must be made.

The Administrator may under subparagraph (C) revise any such order to correct an error. The Administrator may under this paragraph require data or information pertaining to whether the pesticide chemical may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen or other endocrine effects.

“(2) NONCOMPLIANCE.—If a submission required by a notice issued in accordance with paragraph (1)(A), a rule issued under paragraph (1)(B), or an order issued under paragraph (1)(C) is not made by the time specified in such notice, rule, or order, the Administrator may by order published in the Federal Register modify or revoke the tolerance or exemption in question. In any review of such an order under subsection (g)(2), the only material issue shall be whether a submission required under paragraph (1) was not made by the time specified.

“(g) EFFECTIVE DATE, OBJECTIONS, HEARINGS, AND ADMINISTRATIVE REVIEW.—

“(1) EFFECTIVE DATE.—A regulation or order issued under subsection (d)(4), (e)(1), or (f)(2) shall take effect upon publication unless the regulation or order specifies otherwise. The Administrator may stay the effectiveness of the regulation or order if, after issuance of such regulation or order, objections are filed with respect to such regulation or order pursuant to paragraph (2).

“(2) FURTHER PROCEEDINGS.—

“(A) OBJECTIONS.—Within 60 days after a regulation or order is issued under subsection (d)(4), (e)(1)(A), (e)(1)(B), (f)(2), (n)(3), or (n)(5)(C), any person may file objections thereto with the Administrator, specifying with particularity the provisions of the regulation or order deemed objectionable and stating reasonable grounds therefor. If the regulation or order was issued in response to a petition under subsection (d)(1), a copy of each objection filed by

a person other than the petitioner shall be served by the Administrator on the petitioner.

“(B) HEARING.—An objection may include a request for a public evidentiary hearing upon the objection. The Administrator shall, upon the initiative of the Administrator or upon the request of an interested person and after due notice, hold a public evidentiary hearing if and to the extent the Administrator determines that such a public hearing is necessary to receive factual evidence relevant to material issues of fact raised by the objections. The presiding officer in such a hearing may authorize a party to obtain discovery from other persons and may upon a showing of good cause made by a party issue a subpoena to compel testimony or production of documents from any person. The presiding officer shall be governed by the Federal Rules of Civil Procedure in making any order for the protection of the witness or the content of documents produced and shall order the payment of reasonable fees and expenses as a condition to requiring testimony of the witness. On contest, such a subpoena may be enforced by a Federal district court.

“(C) FINAL DECISION.—As soon as practicable after receiving the arguments of the parties, the Administrator shall issue an order stating the action taken upon each such objection and setting forth any revision to the regulation or prior order that the Administrator has found to be warranted. If a hearing was held under subparagraph (B), such order and any revision to the regulation or prior order shall, with respect to questions of fact at issue in the hearing, be based only on substantial evidence of record at such hearing, and shall set forth in detail the findings of facts and the conclusions of law or policy upon which the order or regulation is based.

Orders.

“(h) JUDICIAL REVIEW.—

“(1) PETITION.—In a case of actual controversy as to the validity of any regulation issued under subsection (e)(1)(C), or any order issued under subsection (f)(1)(C) or (g)(2)(C), or any regulation that is the subject of such an order, any person who will be adversely affected by such order or regulation may obtain judicial review by filing in the United States Court of Appeals for the circuit wherein that person resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, within 60 days after publication of such order or regulation, a petition praying that the order or regulation be set aside in whole or in part.

“(2) RECORD AND JURISDICTION.—A copy of the petition under paragraph (1) shall be forthwith transmitted by the clerk of the court to the Administrator, or any officer designated by the Administrator for that purpose, and thereupon the Administrator shall file in the court the record of the proceedings on which the Administrator based the order or regulation, as provided in section 2112 of title 28, United States Code. Upon the filing of such a petition, the court shall have exclusive jurisdiction to affirm or set aside the order or regulation complained of in whole or in part. As to orders issued following a public evidentiary hearing, the findings of the Administrator with respect to questions of fact shall be sustained only if

supported by substantial evidence when considered on the record as a whole.

"(3) ADDITIONAL EVIDENCE.—If a party applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for the failure to adduce the evidence in the proceeding before the Administrator, the court may order that the additional evidence (and evidence in rebuttal thereof) shall be taken before the Administrator in the manner and upon the terms and conditions the court deems proper. The Administrator may modify prior findings as to the facts by reason of the additional evidence so taken and may modify the order or regulation accordingly. The Administrator shall file with the court any such modified finding, order, or regulation.

"(4) FINAL JUDGMENT; SUPREME COURT REVIEW.—The judgment of the court affirming or setting aside, in whole or in part, any regulation or any order and any regulation which is the subject of such an order shall be final, subject to review by the Supreme Court of the United States as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this subsection shall not, unless specifically ordered by the court to the contrary, operate as a stay of a regulation or order.

"(5) APPLICATION.—Any issue as to which review is or was obtainable under this subsection shall not be the subject of judicial review under any other provision of law.

"(i) CONFIDENTIALITY AND USE OF DATA.—

"(1) GENERAL RULE.—Data and information that are or have been submitted to the Administrator under this section or section 409 in support of a tolerance or an exemption from a tolerance shall be entitled to confidential treatment for reasons of business confidentiality and to exclusive use and data compensation to the same extent provided by sections 3 and 10 of the Federal Insecticide, Fungicide, and Rodenticide Act.

"(2) EXCEPTIONS.—

"(A) IN GENERAL.—Data and information that are entitled to confidential treatment under paragraph (1) may be disclosed, under such security requirements as the Administrator may provide by regulation, to—

"(i) employees of the United States authorized by the Administrator to examine such data and information in the carrying out of their official duties under this Act or other Federal statutes intended to protect the public health; or

"(ii) contractors with the United States authorized by the Administrator to examine such data and information in the carrying out of contracts under this Act or such statutes.

"(B) CONGRESS.—This subsection does not authorize the withholding of data or information from either House of Congress or from, to the extent of matter within its jurisdiction, any committee or subcommittee of such committee or any joint committee of Congress or any subcommittee of such joint committee.

"(3) SUMMARIES.—Notwithstanding any provision of this subsection or other law, the Administrator may publish the

informative summary required by subsection (d)(2)(A)(i) and may, in issuing a proposed or final regulation or order under this section, publish an informative summary of the data relating to the regulation or order.

“(j) STATUS OF PREVIOUSLY ISSUED REGULATIONS.—

“(1) REGULATIONS UNDER SECTION 406.—Regulations affecting pesticide chemical residues in or on raw agricultural commodities promulgated, in accordance with section 701(e), under the authority of section 406(a) upon the basis of public hearings instituted before January 1, 1953, shall be deemed to be regulations issued under this section and shall be subject to modification or revocation under subsections (d) and (e), and shall be subject to review under subsection (q).

“(2) REGULATIONS UNDER SECTION 409.—Regulations that established tolerances for substances that are pesticide chemical residues in or on processed food, or that otherwise stated the conditions under which such pesticide chemicals could be safely used, and that were issued under section 409 on or before the date of the enactment of this paragraph, shall be deemed to be regulations issued under this section and shall be subject to modification or revocation under subsection (d) or (e), and shall be subject to review under subsection (q).

“(3) REGULATIONS UNDER SECTION 408.—Regulations that established tolerances or exemptions under this section that were issued on or before the date of the enactment of this paragraph shall remain in effect unless modified or revoked under subsection (d) or (e), and shall be subject to review under subsection (q).

“(k) TRANSITIONAL PROVISION.—If, on the day before the date of the enactment of this subsection, a substance that is a pesticide chemical was, with respect to a particular pesticidal use of the substance and any resulting pesticide chemical residue in or on a particular food—

“(1) regarded by the Administrator or the Secretary as generally recognized as safe for use within the meaning of the provisions of subsection (a) or section 201(s) as then in effect; or

“(2) regarded by the Secretary as a substance described by section 201(s)(4);

such a pesticide chemical residue shall be regarded as exempt from the requirement for a tolerance, as of the date of enactment of this subsection. The Administrator shall by regulation indicate which substances are described by this subsection. Any exemption under this subsection may be modified or revoked as if it had been issued under subsection (c).

Regulations.

“(l) HARMONIZATION WITH ACTION UNDER OTHER LAWS.—

“(1) COORDINATION WITH FIFRA.—To the extent practicable and consistent with the review deadlines in subsection (q), in issuing a final rule under this subsection that suspends or revokes a tolerance or exemption for a pesticide chemical residue in or on food, the Administrator shall coordinate such action with any related necessary action under the Federal Insecticide, Fungicide, and Rodenticide Act.

“(2) REVOCATION OF TOLERANCE OR EXEMPTION FOLLOWING CANCELLATION OF ASSOCIATED REGISTRATIONS.—If the Administrator, acting under the Federal Insecticide, Fungicide, and Rodenticide Act, cancels the registration of each pesticide that

Effective date.

contains a particular pesticide chemical and that is labeled for use on a particular food, or requires that the registration of each such pesticide be modified to prohibit its use in connection with the production, storage, or transportation of such food, due in whole or in part to dietary risks to humans posed by residues of that pesticide chemical on that food, the Administrator shall revoke any tolerance or exemption that allows the presence of the pesticide chemical, or any pesticide chemical residue that results from its use, in or on that food. Subsection (e) shall apply to actions taken under this paragraph. A revocation under this paragraph shall become effective not later than 180 days after—

“(A) the date by which each such cancellation of a registration has become effective; or

“(B) the date on which the use of the canceled pesticide becomes unlawful under the terms of the cancellation, whichever is later.

“(3) SUSPENSION OF TOLERANCE OR EXEMPTION FOLLOWING SUSPENSION OF ASSOCIATED REGISTRATIONS.—

Applicability.  
Effective date.

“(A) SUSPENSION.—If the Administrator, acting under the Federal Insecticide, Fungicide, and Rodenticide Act, suspends the use of each registered pesticide that contains a particular pesticide chemical and that is labeled for use on a particular food, due in whole or in part to dietary risks to humans posed by residues of that pesticide chemical on that food, the Administrator shall suspend any tolerance or exemption that allows the presence of the pesticide chemical, or any pesticide chemical residue that results from its use, in or on that food. Subsection (e) shall apply to actions taken under this paragraph. A suspension under this paragraph shall become effective not later than 60 days after the date by which each such suspension of use has become effective.

“(B) EFFECT OF SUSPENSION.—The suspension of a tolerance or exemption under subparagraph (A) shall be effective as long as the use of each associated registration of a pesticide is suspended under the Federal Insecticide, Fungicide, and Rodenticide Act. While a suspension of a tolerance or exemption is effective the tolerance or exemption shall not be considered to be in effect. If the suspension of use of the pesticide under that Act is terminated, leaving the registration of the pesticide for such use in effect under that Act, the Administrator shall rescind any associated suspension of tolerance or exemption.

Applicability.  
Review.

“(4) TOLERANCES FOR UNAVOIDABLE RESIDUES.—In connection with action taken under paragraph (2) or (3), or with respect to pesticides whose registrations were suspended or canceled prior to the date of the enactment of this paragraph under the Federal Insecticide, Fungicide, and Rodenticide Act, if the Administrator determines that a residue of the canceled or suspended pesticide chemical will unavoidably persist in the environment and thereby be present in or on a food, the Administrator may establish a tolerance for the pesticide chemical residue. In establishing such a tolerance, the Administrator shall take into account both the factors set forth in subsection (b)(2) and the unavoidability of the residue. Subsection (e) shall apply to the establishment of such tolerance. The Adminis-

trator shall review any such tolerance periodically and modify it as necessary so that it allows no greater level of the pesticide chemical residue than is unavoidable.

“(5) PESTICIDE RESIDUES RESULTING FROM LAWFUL APPLICATION OF PESTICIDE.—Notwithstanding any other provision of this Act, if a tolerance or exemption for a pesticide chemical residue in or on a food has been revoked, suspended, or modified under this section, an article of that food shall not be deemed unsafe solely because of the presence of such pesticide chemical residue in or on such food if it is shown to the satisfaction of the Secretary that—

“(A) the residue is present as the result of an application or use of a pesticide at a time and in a manner that was lawful under the Federal Insecticide, Fungicide, and Rodenticide Act; and

“(B) the residue does not exceed a level that was authorized at the time of that application or use to be present on the food under a tolerance, exemption, food additive regulation, or other sanction then in effect under this Act;

unless, in the case of any tolerance or exemption revoked, suspended, or modified under this subsection or subsection (d) or (e), the Administrator has issued a determination that consumption of the legally treated food during the period of its likely availability in commerce will pose an unreasonable dietary risk.

“(6) TOLERANCE FOR USE OF PESTICIDES UNDER AN EMERGENCY EXEMPTION.—If the Administrator grants an exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136p) for a pesticide chemical, the Administrator shall establish a tolerance or exemption from the requirement for a tolerance for the pesticide chemical residue. Such a tolerance or exemption from a tolerance shall have an expiration date. The Administrator may establish such a tolerance or exemption without providing notice or a period for comment on the tolerance or exemption. The Administrator shall promulgate regulations within 365 days after the date of the enactment of this paragraph governing the establishment of tolerances and exemptions under this paragraph. Such regulations shall be consistent with the safety standard under subsections (b)(2) and (c)(2) and with section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act.

Regulations.

“(m) FEES.—

“(1) AMOUNT.—The Administrator shall by regulation require the payment of such fees as will in the aggregate, in the judgment of the Administrator, be sufficient over a reasonable term to provide, equip, and maintain an adequate service for the performance of the Administrator's functions under this section. Under the regulations, the performance of the Administrator's services or other functions under this section, including—

Regulations.

“(A) the acceptance for filing of a petition submitted under subsection (d);

“(B) establishing, modifying, leaving in effect, or revoking a tolerance or establishing, modifying, leaving in effect, or revoking an exemption from the requirement for a tolerance under this section;

“(C) the acceptance for filing of objections under subsection (g); or

“(D) the certification and filing in court of a transcript of the proceedings and the record under subsection (h); may be conditioned upon the payment of such fees. The regulations may further provide for waiver or refund of fees in whole or in part when in the judgment of the Administrator such a waiver or refund is equitable and not contrary to the purposes of this subsection.

“(2) DEPOSIT.—All fees collected under paragraph (1) shall be deposited in the Reregistration and Expedited Processing Fund created by section 4(k) of the Federal Insecticide, Fungicide, and Rodenticide Act. Such fees shall be available to the Administrator, without fiscal year limitation, for the performance of the Administrator's services or functions as specified in paragraph (1).

“(n) NATIONAL UNIFORMITY OF TOLERANCES.—

“(1) QUALIFYING PESTICIDE CHEMICAL RESIDUE.—For purposes of this subsection, the term ‘qualifying pesticide chemical residue’ means a pesticide chemical residue resulting from the use, in production, processing, or storage of a food, of a pesticide chemical that is an active ingredient and that—

“(A) was first approved for such use in a registration of a pesticide issued under section 3(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act on or after April 25, 1985, on the basis of data determined by the Administrator to meet all applicable requirements for data prescribed by regulations in effect under that Act on April 25, 1985; or

“(B) was approved for such use in a reregistration eligibility determination issued under section 4(g) of that Act on or after the date of enactment of this subsection.

“(2) QUALIFYING FEDERAL DETERMINATION.—For purposes of this subsection, the term ‘qualifying Federal determination’ means a tolerance or exemption from the requirement for a tolerance for a qualifying pesticide chemical residue that—

“(A) is issued under this section after the date of the enactment of this subsection and determined by the Administrator to meet the standard under subsection (b)(2)(A) (in the case of a tolerance) or (c)(2) (in the case of an exemption); or

“(B)(i) pursuant to subsection (j) is remaining in effect or is deemed to have been issued under this section, or is regarded under subsection (k) as exempt from the requirement for a tolerance; and

“(ii) is determined by the Administrator to meet the standard under subsection (b)(2)(A) (in the case of a tolerance) or (c)(2) (in the case of an exemption).

“(3) LIMITATION.—The Administrator may make the determination described in paragraph (2)(B)(ii) only by issuing a rule in accordance with the procedure set forth in subsection (d) or (e) and only if the Administrator issues a proposed rule and allows a period of not less than 30 days for comment on the proposed rule. Any such rule shall be reviewable in accordance with subsections (g) and (h).

“(4) STATE AUTHORITY.—Except as provided in paragraphs (5), (6), and (8) no State or political subdivision may establish

or enforce any regulatory limit on a qualifying pesticide chemical residue in or on any food if a qualifying Federal determination applies to the presence of such pesticide chemical residue in or on such food, unless such State regulatory limit is identical to such qualifying Federal determination. A State or political subdivision shall be deemed to establish or enforce a regulatory limit on a pesticide chemical residue in or on a food if it purports to prohibit or penalize the production, processing, shipping, or other handling of a food because it contains a pesticide residue (in excess of a prescribed limit).

“(5) PETITION PROCEDURE.—

“(A) IN GENERAL.—Any State may petition the Administrator for authorization to establish in such State a regulatory limit on a qualifying pesticide chemical residue in or on any food that is not identical to the qualifying Federal determination applicable to such qualifying pesticide chemical residue.

“(B) PETITION REQUIREMENTS.—Any petition under subparagraph (A) shall—

“(i) satisfy any requirements prescribed, by rule, by the Administrator; and

“(ii) be supported by scientific data about the pesticide chemical residue that is the subject of the petition or about chemically related pesticide chemical residues, data on the consumption within such State of food bearing the pesticide chemical residue, and data on exposure of humans within such State to the pesticide chemical residue.

“(C) AUTHORIZATION.—The Administrator may, by order, grant the authorization described in subparagraph (A) if the Administrator determines that the proposed State regulatory limit—

“(i) is justified by compelling local conditions; and

“(ii) would not cause any food to be a violation of Federal law.

“(D) TREATMENT.—In lieu of any action authorized under subparagraph (C), the Administrator may treat a petition under this paragraph as a petition under subsection (d) to modify or revoke a tolerance or an exemption. If the Administrator determines to treat a petition under this paragraph as a petition under subsection (d), the Administrator shall thereafter act on the petition pursuant to subsection (d).

“(E) REVIEW.—Any order of the Administrator granting or denying the authorization described in subparagraph (A) shall be subject to review in the manner described in subsections (g) and (h).

“(6) URGENT PETITION PROCEDURE.—Any State petition to the Administrator pursuant to paragraph (5) that demonstrates that consumption of a food containing such pesticide residue level during the period of the food's likely availability in the State will pose a significant public health threat from acute exposure shall be considered an urgent petition. If an order by the Administrator to grant or deny the requested authorization in an urgent petition is not made within 30 days of receipt of the petition, the petitioning State may establish and enforce a temporary regulatory limit on a qualifying pesticide chemical

residue in or on the food. The temporary regulatory limit shall be validated or terminated by the Administrator's final order on the petition.

"(7) RESIDUES FROM LAWFUL APPLICATION.—No State or political subdivision may enforce any regulatory limit on the level of a pesticide chemical residue that may appear in or on any food if, at the time of the application of the pesticide that resulted in such residue, the sale of such food with such residue level was lawful under this section and under the law of such State, unless the State demonstrates that consumption of the food containing such pesticide residue level during the period of the food's likely availability in the State will pose an unreasonable dietary risk to the health of persons within such State.

"(8) SAVINGS.—Nothing in this Act preempts the authority of any State or political subdivision to require that a food containing a pesticide chemical residue bear or be the subject of a warning or other statement relating to the presence of the pesticide chemical residue in or on such food.

"(o) CONSUMER RIGHT TO KNOW.—Not later than 2 years after the date of the enactment of the Food Quality Protection Act of 1996, and annually thereafter, the Administrator shall, in consultation with the Secretary of Agriculture and the Secretary of Health and Human Services, publish in a format understandable to a lay person, and distribute to large retail grocers for public display (in a manner determined by the grocer), the following information, at a minimum:

"(1) A discussion of the risks and benefits of pesticide chemical residues in or on food purchased by consumers.

"(2) A listing of actions taken under subparagraph (B) of subsection (b)(2) that may result in pesticide chemical residues in or on food that present a yearly or lifetime risk above the risk allowed under subparagraph (A) of such subsection, and the food on which the pesticide chemicals producing the residues are used.

"(3) Recommendations to consumers for reducing dietary exposure to pesticide chemical residues in a manner consistent with maintaining a healthy diet, including a list of food that may reasonably substitute for food listed under paragraph (2). Nothing in this subsection shall prevent retail grocers from providing additional information.

"(p) ESTROGENIC SUBSTANCES SCREENING PROGRAM.—

"(1) DEVELOPMENT.—Not later than 2 years after the date of enactment of this section, the Administrator shall in consultation with the Secretary of Health and Human Services develop a screening program, using appropriate validated test systems and other scientifically relevant information, to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect as the Administrator may designate.

"(2) IMPLEMENTATION.—Not later than 3 years after the date of enactment of this section, after obtaining public comment and review of the screening program described in paragraph (1) by the scientific advisory panel established under section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act or the science advisory board established by

Publication.  
Public  
information.

section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), the Administrator shall implement the program.

“(3) SUBSTANCES.—In carrying out the screening program described in paragraph (1), the Administrator—

“(A) shall provide for the testing of all pesticide chemicals; and

“(B) may provide for the testing of any other substance that may have an effect that is cumulative to an effect of a pesticide chemical if the Administrator determines that a substantial population may be exposed to such substance.

“(4) EXEMPTION.—Notwithstanding paragraph (3), the Administrator may, by order, exempt from the requirements of this section a biologic substance or other substance if the Administrator determines that the substance is anticipated not to produce any effect in humans similar to an effect produced by a naturally occurring estrogen.

“(5) COLLECTION OF INFORMATION.—

“(A) IN GENERAL.—The Administrator shall issue an order to a registrant of a substance for which testing is required under this subsection, or to a person who manufactures or imports a substance for which testing is required under this subsection, to conduct testing in accordance with the screening program described in paragraph (1), and submit information obtained from the testing to the Administrator, within a reasonable time period that the Administrator determines is sufficient for the generation of the information. Orders.

“(B) PROCEDURES.—To the extent practicable the Administrator shall minimize duplicative testing of the same substance for the same endocrine effect, develop, as appropriate, procedures for fair and equitable sharing of test costs, and develop, as necessary, procedures for handling of confidential business information.

“(C) FAILURE OF REGISTRANTS TO SUBMIT INFORMATION.—

“(i) SUSPENSION.—If a registrant of a substance referred to in paragraph (3)(A) fails to comply with an order under subparagraph (A) of this paragraph, the Administrator shall issue a notice of intent to suspend the sale or distribution of the substance by the registrant. Any suspension proposed under this paragraph shall become final at the end of the 30-day period beginning on the date that the registrant receives the notice of intent to suspend, unless during that period a person adversely affected by the notice requests a hearing or the Administrator determines that the registrant has complied fully with this paragraph. Notice.

“(ii) HEARING.—If a person requests a hearing under clause (i), the hearing shall be conducted in accordance with section 554 of title 5, United States Code. The only matter for resolution at the hearing shall be whether the registrant has failed to comply with an order under subparagraph (A) of this paragraph. A decision by the Administrator after comple-

tion of a hearing shall be considered to be a final agency action.

"(iii) TERMINATION OF SUSPENSIONS.—The Administrator shall terminate a suspension under this subparagraph issued with respect to a registrant if the Administrator determines that the registrant has complied fully with this paragraph.

"(D) NONCOMPLIANCE BY OTHER PERSONS.—Any person (other than a registrant) who fails to comply with an order under subparagraph (A) shall be liable for the same penalties and sanctions as are provided under section 16 of the Toxic Substances Control Act (15 U.S.C. 2601 and following) in the case of a violation referred to in that section. Such penalties and sanctions shall be assessed and imposed in the same manner as provided in such section 16.

"(6) AGENCY ACTION.—In the case of any substance that is found, as a result of testing and evaluation under this section, to have an endocrine effect on humans, the Administrator shall, as appropriate, take action under such statutory authority as is available to the Administrator, including consideration under other sections of this Act, as is necessary to ensure the protection of public health.

"(7) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this section, the Administrator shall prepare and submit to Congress a report containing—

"(A) the findings of the Administrator resulting from the screening program described in paragraph (1);

"(B) recommendations for further testing needed to evaluate the impact on human health of the substances tested under the screening program; and

"(C) recommendations for any further actions (including any action described in paragraph (6)) that the Administrator determines are appropriate based on the findings.

"(q) SCHEDULE FOR REVIEW.—

"(1) IN GENERAL.—The Administrator shall review tolerances and exemptions for pesticide chemical residues in effect on the day before the date of the enactment of the Food Quality Protection Act of 1996, as expeditiously as practicable, assuring that—

"(A) 33 percent of such tolerances and exemptions are reviewed within 3 years of the date of enactment of such Act;

"(B) 66 percent of such tolerances and exemptions are reviewed within 6 years of the date of enactment of such Act; and

"(C) 100 percent of such tolerances and exemptions are reviewed within 10 years of the date of enactment of such Act.

Regulations.

In conducting a review of a tolerance or exemption, the Administrator shall determine whether the tolerance or exemption meets the requirements of subsections (b)(2) or (c)(2) and shall, by the deadline for the review of the tolerance or exemption, issue a regulation under subsection (d)(4) or (e)(1) to modify or revoke the tolerance or exemption if the tolerance or exemption does not meet such requirements.

“(2) PRIORITIES.—In determining priorities for reviewing tolerances and exemptions under paragraph (1), the Administrator shall give priority to the review of the tolerances or exemptions that appear to pose the greatest risk to public health.

“(3) PUBLICATION OF SCHEDULE.—Not later than 12 months after the date of the enactment of the Food Quality Protection Act of 1996, the Administrator shall publish a schedule for review of tolerances and exemptions established prior to the date of the enactment of the Food Quality Protection Act of 1996. The determination of priorities for the review of tolerances and exemptions pursuant to this subsection is not a rulemaking and shall not be subject to judicial review, except that failure to take final action pursuant to the schedule established by this paragraph shall be subject to judicial review.

“(r) TEMPORARY TOLERANCE OR EXEMPTION.—The Administrator may, upon the request of any person who has obtained an experimental permit for a pesticide chemical under the Federal Insecticide, Fungicide, and Rodenticide Act or upon the Administrator's own initiative, establish a temporary tolerance or exemption for the pesticide chemical residue for the uses covered by the permit. Subsections (b)(2), (c)(2), (d), and (e) shall apply to actions taken under this subsection.

“(s) SAVINGS CLAUSE.—Nothing in this section shall be construed to amend or modify the provisions of the Toxic Substances Control Act or the Federal Insecticide, Fungicide, and Rodenticide Act.”.

#### SEC. 406. AUTHORIZATION FOR INCREASED MONITORING.

For the fiscal years 1997 through 1999, there is authorized to be appropriated in the aggregate an additional \$12,000,000 for increased monitoring by the Secretary of Health and Human Services of pesticide residues in imported and domestic food.

#### SEC. 407. ALTERNATIVE ENFORCEMENT.

Section 303(g) (21 U.S.C. 333(f)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(2) by inserting after paragraph (1) the following:

“(2)(A) Any person who introduces into interstate commerce or delivers for introduction into interstate commerce an article of food that is adulterated within the meaning of section 402(a)(2)(B) shall be subject to a civil money penalty of not more than \$50,000 in the case of an individual and \$250,000 in the case of any other person for such introduction or delivery, not to exceed \$500,000 for all such violations adjudicated in a single proceeding.

“(B) This paragraph shall not apply to any person who grew the article of food that is adulterated. If the Secretary assesses a civil penalty against any person under this paragraph, the Secretary may not use the criminal authorities under this section to sanction such person for the introduction or delivery for introduction into interstate commerce of the article of food that is adulterated. If the Secretary assesses a civil penalty against any person under this paragraph, the Secretary may not use the seizure authorities of section 304 or the injunction authorities of section 302 with respect to the article of food that is adulterated.

“(C) In a hearing to assess a civil penalty under this paragraph, the presiding officer shall have the same authority with regard

to compelling testimony or production of documents as a presiding officer has under section 408(g)(2)(B). The third sentence of paragraph (3)(A) shall not apply to any investigation under this paragraph.”;

(3) in paragraph (3), as so redesignated, by striking “paragraph (1)” each place it occurs and inserting “paragraph (1) or (2)”;

(4) in paragraph (4), as so redesignated, by striking “(2)(A)” and inserting “(3)(A)”;

(5) in paragraph (5), as so redesignated, by striking “(3)” each place it occurs and inserting “(4)”.

## TITLE V—FEES

### SEC. 501. REREGISTRATION FEES.

(a) SECTION 4(i).—Section 4(i) (7 U.S.C. 136a-1(i)), as amended by section 232(2), is amended—

(1) in paragraphs (5)(H) and (6), by striking “1997” and inserting “2001”; and

(2) in paragraph (5)(C), by inserting “(i)” after “(C)” and by adding at the end the following:

“(ii) in each of the fiscal years 1998, 1999, and 2000, the Administrator is authorized to collect up to an additional \$2,000,000 in a manner consistent with subsection (k)(5) and the recommendations of the Inspector General of the Environmental Protection Agency. The total fees that may be collected under this clause shall not exceed \$6,000,000.”.

(b) SECTION 4(k)(1).—Section 4(k)(1) (7 U.S.C. 136a-1(k)(1)) is amended by inserting before the period the following: “which shall be known as the Reregistration and Expedited Processing Fund”.

(c) SECTION 4(k)(2).—Section 4(k)(2) (7 U.S.C. 136a-1(k)(2)) is amended to read as follows:

“(2) SOURCE AND USE.—

“(A) All moneys derived from fees collected by the Administrator under subsection (i) shall be deposited in the fund and shall be available to the Administrator, without fiscal year limitation, specifically to offset the costs of reregistration and expedited processing of the applications specified in paragraph (3). Such moneys derived from fees may not be expended in any fiscal year to the extent such moneys derived from fees would exceed money appropriated for use by the Administrator and expended in such year for such costs of reregistration and expedited processing of such applications. The Administrator shall, prior to expending any such moneys derived from fees—

“(i) effective October 1, 1997, adopt specific and cost accounting rules and procedures as approved by the General Accounting Office and the Inspector General of the Environmental Protection Agency to ensure that moneys derived from fees are allocated solely to the costs of reregistration and expedited processing of the applications specified in paragraph (3) in the same portion as appropriated funds;

Effective date.  
Rules and  
procedures.

“(ii) prohibit the use of such moneys derived from fees to pay for any costs other than those necessary to achieve reregistration and expedited processing of the applications specified in paragraph (3); and

“(iii) ensure that personnel and facility costs associated with the functions to be carried out under this paragraph do not exceed agency averages for comparable personnel and facility costs.

“(B) The Administrator shall also—

“(i) complete the review of unreviewed reregistration studies required to support the reregistration eligibility decisions scheduled for completion in accordance with subsection (1)(2); and

Review.

“(ii) contract for such outside assistance as may be necessary for review of required studies, using a generally accepted competitive process for the selection of vendors of such assistance.”

Contracts.

(d) SECTION 4(k)(3).—Section 4(k)(3) (7 U.S.C. 136a-1(k)(3)) is amended—

(1) in subparagraph (A), by striking out “for each of the fiscal years 1992, 1993, and 1994,  $\frac{1}{7}$ th of the maintenance fees collected, up to 2 million each year” and inserting in lieu thereof “for each of the fiscal years 1997 through 2001, not more than  $\frac{1}{7}$  of the maintenance fees collected in such fiscal year”; and

(2) by adding a new subparagraph (C) to read as follows:

“(C) So long as the Administrator has not met the time frames specified in clause (ii) of section 3(c)(3)(B) with respect to any application subject to section 3(c)(3)(B) that was received prior to the date of enactment of the Food Quality Protection Act of 1996, the Administrator shall use the full amount of the fees specified in subparagraph (A) for the purposes specified therein. Once all applications subject to section 3(c)(3)(B) that were received prior to such date of enactment have been acted upon, no limitation shall be imposed by the preceding sentence of this subparagraph so long as the Administrator meets the time frames specified in clause (ii) of section 3(c)(3)(B) on 90 percent of affected applications in a fiscal year. Should the Administrator not meet such time frames in a fiscal year, the limitations imposed by the first sentence of this subparagraph shall apply until all overdue applications subject to section 3(c)(3)(B) have been acted upon.”

Applicability.

(e) SECTION 4(k)(5).—Section 4(k)(5) (7 U.S.C. 136a-1(k)(5)) is amended to read as follows:

“(5) ACCOUNTING AND PERFORMANCE.—The Administrator shall take all steps necessary to ensure that expenditures from fees authorized by subsection (i)(5)(C)(ii) are used only to carry out the goals established under subsection (1). The Reregistration and Expedited Processing Fund shall be designated as an Environmental Protection Agency component for purposes of section 3515(c) of title 31, United States Code. The annual audit required under section 3521 of such title of the financial statements of activities under this Act under section 3515(b) of such title shall include an audit of the fees collected under subsection (i)(5)(C) and disbursed, of the amount appropriated to match such fees, and of the Administrator's attainment

Reports.

of performance measures and goals established under subsection (l). Such an audit shall also include a review of the reasonableness of the overhead allocation and adequacy of disclosures of direct and indirect costs associated with carrying out the reregistration and expedited processing of the applications specified in paragraph (3), and the basis for and accuracy of all costs paid with moneys derived from such fees. The Inspector General shall conduct the annual audit and report the findings and recommendations of such audit to the Administrator and to the Committees on Agriculture of the House of Representatives and the Senate. The cost of such audit shall be paid for out of the fees collected under subsection (i)(5)(C)."

(f) GOALS.—Subsections (l) and (m) of section 4 (7 U.S.C. 136a-1), as amended by section 237, are redesignated as subsections (m) and (n) respectively and the following is inserted after subsection (k):

Federal Register,  
publication.

"(1) PERFORMANCE MEASURES AND GOAL.—The Administrator shall establish and publish annually in the Federal Register performance measures and goals. Such measures and goals shall include—

"(1) the number of products reregistered, canceled, or amended, the status of reregistration, the number and type of data requests under section 3(c)(2)(B) issued to support product reregistration by active ingredient, the progress in reducing the number of unreviewed, required reregistration studies, the aggregate status of tolerances reassessed, and the number of applications for registration submitted under subsection (k)(3) that were approved or disapproved;

"(2) the future schedule for reregistrations, including the projection for such schedules that will be issued under subsection (g)(2)(A) and (B) in the current fiscal year and the succeeding fiscal year; and

"(3) the projected year of completion of the reregistrations under this section."

Approved August 3, 1996.

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**LEGISLATIVE HISTORY—H.R. 1627:**

HOUSE REPORTS: No. 104-669, Pt. 1 (Comm. on Agriculture) and Pt. 2 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 142 (1996):

July 23, considered and passed House.

July 24, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):  
Aug. 3, Presidential remarks and statement.

Public Law 104-171  
104th Congress

An Act

To authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania.

Aug. 3, 1996

[H.R. 3161]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Exports and  
imports.  
19 USC 2434  
note.

SECTION 1. FINDINGS.

The Congress finds that—

(1) Romania emerged from years of brutal Communist dictatorship in 1989 and approved a new Constitution and elected a Parliament by 1991, laying the foundation for a modern parliamentary democracy charged with guaranteeing fundamental human rights, freedom of expression, and respect for private property;

(2) local elections, parliamentary elections, and presidential elections have been held in Romania, and 1996 will mark the second nationwide presidential elections under the new Constitution;

(3) Romania has undertaken significant economic reforms, including the establishment of a two-tier banking system, the introduction of a modern tax system, the freeing of most prices and elimination of most subsidies, the adoption of a tariff-based trade regime, and the rapid privatization of industry and nearly all agriculture;

(4) Romania concluded a bilateral investment treaty with the United States in 1993, and both United States investment in Romania and bilateral trade are increasing rapidly;

(5) Romania has received most-favored-nation treatment since 1993, and has been found by the President to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974;

(6) Romania is a member of the World Trade Organization and extension of unconditional most-favored-nation treatment to the products of Romania would enable the United States to avail itself of all rights under the World Trade Organization with respect to Romania; and

(7) Romania has demonstrated a strong desire to build friendly relationships and to cooperate fully with the United States on trade matters.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO ROMANIA.

19 USC 2434  
note.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NON-DISCRIMINATORY TREATMENT.—Notwithstanding any provision of

title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Romania; and

(2) after making a determination under paragraph (1), proclaim the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Romania, title IV of the Trade Act of 1974 shall cease to apply to that country.

Approved August 3, 1996.

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LEGISLATIVE HISTORY—H.R. 3161:

HOUSE REPORTS: No. 104-629 (Comm. on Ways and Means).

CONGRESSIONAL RECORD, Vol. 142 (1996):

July 16, 17, considered and passed House.

July 18, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Aug. 3, Presidential statement.

Public Law 104-172  
104th Congress

An Act

To impose sanctions on persons making certain investments directly and significantly contributing to the enhancement of the ability of Iran or Libya to develop its petroleum resources, and on persons exporting certain items that enhance Libya's weapons or aviation capabilities or enhance Libya's ability to develop its petroleum resources, and for other purposes.

Aug. 5, 1996

[H.R. 3107]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Iran and Libya Sanctions Act of 1996".

Iran and Libya  
Sanctions Act of  
1996.

50 USC 1701  
note.

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

(1) The efforts of the Government of Iran to acquire weapons of mass destruction and the means to deliver them and its support of acts of international terrorism endanger the national security and foreign policy interests of the United States and those countries with which the United States shares common strategic and foreign policy objectives.

(2) The objective of preventing the proliferation of weapons of mass destruction and acts of international terrorism through existing multilateral and bilateral initiatives requires additional efforts to deny Iran the financial means to sustain its nuclear, chemical, biological, and missile weapons programs.

(3) The Government of Iran uses its diplomatic facilities and quasi-governmental institutions outside of Iran to promote acts of international terrorism and assist its nuclear, chemical, biological, and missile weapons programs.

(4) The failure of the Government of Libya to comply with Resolutions 731, 748, and 883 of the Security Council of the United Nations, its support of international terrorism, and its efforts to acquire weapons of mass destruction constitute a threat to international peace and security that endangers the national security and foreign policy interests of the United States and those countries with which it shares common strategic and foreign policy objectives.

50 USC 1701  
note.

**SEC. 3. DECLARATION OF POLICY.**

(a) **POLICY WITH RESPECT TO IRAN.**—The Congress declares that it is the policy of the United States to deny Iran the ability to support acts of international terrorism and to fund the development and acquisition of weapons of mass destruction and the means to deliver them by limiting the development of Iran's ability to

50 USC 1701  
note.

explore for, extract, refine, or transport by pipeline petroleum resources of Iran.

(b) **POLICY WITH RESPECT TO LIBYA.**—The Congress further declares that it is the policy of the United States to seek full compliance by Libya with its obligations under Resolutions 731, 748, and 883 of the Security Council of the United Nations, including ending all support for acts of international terrorism and efforts to develop or acquire weapons of mass destruction.

President.  
50 USC 1701  
note.

#### SEC. 4. MULTILATERAL REGIME.

(a) **MULTILATERAL NEGOTIATIONS.**—In order to further the objectives of section 3, the Congress urges the President to commence immediately diplomatic efforts, both in appropriate international fora such as the United Nations, and bilaterally with allies of the United States, to establish a multilateral sanctions regime against Iran, including provisions limiting the development of petroleum resources, that will inhibit Iran's efforts to carry out activities described in section 2.

(b) **REPORTS TO CONGRESS.**—The President shall report to the appropriate congressional committees, not later than 1 year after the date of the enactment of this Act, and periodically thereafter, on the extent that diplomatic efforts described in subsection (a) have been successful. Each report shall include—

(1) the countries that have agreed to undertake measures to further the objectives of section 3 with respect to Iran, and a description of those measures; and

(2) the countries that have not agreed to measures described in paragraph (1), and, with respect to those countries, other measures (in addition to that provided in subsection

(d)) the President recommends that the United States take to further the objectives of section 3 with respect to Iran.

(c) **WAIVER.**—The President may waive the application of section 5(a) with respect to nationals of a country if—

(1) that country has agreed to undertake substantial measures, including economic sanctions, that will inhibit Iran's efforts to carry out activities described in section 2 and information required by subsection (b)(1) has been included in a report submitted under subsection (b); and

(2) the President, at least 30 days before the waiver takes effect, notifies the appropriate congressional committees of his intention to exercise the waiver.

(d) **ENHANCED SANCTION.**—

(1) **SANCTION.**—With respect to nationals of countries except those with respect to which the President has exercised the waiver authority of subsection (c), at any time after the first report is required to be submitted under subsection (b), section 5(a) shall be applied by substituting "\$20,000,000" for "\$40,000,000" each place it appears, and by substituting "\$5,000,000" for "\$10,000,000".

(2) **REPORT TO CONGRESS.**—The President shall report to the appropriate congressional committees any country with respect to which paragraph (1) applies.

(e) **INTERIM REPORT ON MULTILATERAL SANCTIONS; MONITORING.**—The President, not later than 90 days after the date of the enactment of this Act, shall report to the appropriate congressional committees on—

Notification.

(1) whether the member states of the European Union, the Republic of Korea, Australia, Israel, or Japan have legislative or administrative standards providing for the imposition of trade sanctions on persons or their affiliates doing business or having investments in Iran or Libya;

(2) the extent and duration of each instance of the application of such sanctions; and

(3) the disposition of any decision with respect to such sanctions by the World Trade Organization or its predecessor organization.

#### SEC. 5. IMPOSITION OF SANCTIONS.

President.  
50 USC 1701  
note.

(a) **SANCTIONS WITH RESPECT TO IRAN.**—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6 if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act, made an investment of \$40,000,000 or more (or any combination of investments of at least \$10,000,000 each, which in the aggregate equals or exceeds \$40,000,000 in any 12-month period), that directly and significantly contributed to the enhancement of Iran's ability to develop petroleum resources of Iran.

(b) **MANDATORY SANCTIONS WITH RESPECT TO LIBYA.**—

(1) **VIOLATIONS OF PROHIBITED TRANSACTIONS.**—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6 if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act, exported, transferred, or otherwise provided to Libya any goods, services, technology, or other items the provision of which is prohibited under paragraph 4(b) or 5 of Resolution 748 of the Security Council of the United Nations, adopted March 31, 1992, or under paragraph 5 or 6 of Resolution 883 of the Security Council of the United Nations, adopted November 11, 1993, if the provision of such items significantly and materially—

(A) contributed to Libya's ability to acquire chemical, biological, or nuclear weapons or destabilizing numbers and types of advanced conventional weapons or enhanced Libya's military or paramilitary capabilities;

(B) contributed to Libya's ability to develop its petroleum resources; or

(C) contributed to Libya's ability to maintain its aviation capabilities.

(2) **INVESTMENTS THAT CONTRIBUTE TO THE DEVELOPMENT OF PETROLEUM RESOURCES.**—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6 if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act, made an investment of \$40,000,000 or more (or any combination of investments of at least \$10,000,000 each, which in the aggregate equals or exceeds \$40,000,000 in any 12-month period), that directly and significantly contributed to the enhancement of Libya's ability to develop its petroleum resources.

(c) PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—The sanctions described in subsections (a) and (b) shall be imposed on—

(1) any person the President determines has carried out the activities described in subsection (a) or (b); and

(2) any person the President determines—

(A) is a successor entity to the person referred to in paragraph (1);

(B) is a parent or subsidiary of the person referred to in paragraph (1) if that parent or subsidiary, with actual knowledge, engaged in the activities referred to in paragraph (1); or

(C) is an affiliate of the person referred to in paragraph (1) if that affiliate, with actual knowledge, engaged in the activities referred to in paragraph (1) and if that affiliate is controlled in fact by the person referred to in paragraph (1).

For purposes of this Act, any person or entity described in this subsection shall be referred to as a “sanctioned person”.

(d) PUBLICATION IN FEDERAL REGISTER.—The President shall cause to be published in the Federal Register a current list of persons and entities on whom sanctions have been imposed under this Act. The removal of persons or entities from, and the addition of persons and entities to, the list, shall also be so published.

(e) PUBLICATION OF PROJECTS.—The President shall cause to be published in the Federal Register a list of all significant projects which have been publicly tendered in the oil and gas sector in Iran.

(f) EXCEPTIONS.—The President shall not be required to apply or maintain the sanctions under subsection (a) or (b)—

(1) in the case of procurement of defense articles or defense services—

(A) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(B) if the President determines in writing that the person to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(C) if the President determines in writing that such articles or services are essential to the national security under defense coproduction agreements;

(2) in the case of procurement, to eligible products, as defined in section 308(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)), of any foreign country or instrumentality designated under section 301(b)(1) of that Act (19 U.S.C. 2511(b)(1));

(3) to products, technology, or services provided under contracts entered into before the date on which the President publishes in the Federal Register the name of the person on whom the sanctions are to be imposed;

(4) to—

(A) spare parts which are essential to United States products or production;

(B) component parts, but not finished products, essential to United States products or production; or

(C) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(6) to information and technology essential to United States products or production; or

(7) to medicines, medical supplies, or other humanitarian items.

#### SEC. 6. DESCRIPTION OF SANCTIONS.

50 USC 1701  
note.

The sanctions to be imposed on a sanctioned person under section 5 are as follows:

(1) EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO SANCTIONED PERSONS.—The President may direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to any sanctioned person.

(2) EXPORT SANCTION.—The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to a sanctioned person under—

(i) the Export Administration Act of 1979;

(ii) the Arms Export Control Act;

(iii) the Atomic Energy Act of 1954; or

(iv) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(3) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The United States Government may prohibit any United States financial institution from making loans or providing credits to any sanctioned person totaling more than \$10,000,000 in any 12-month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities.

(4) PROHIBITIONS ON FINANCIAL INSTITUTIONS.—The following prohibitions may be imposed against a sanctioned person that is a financial institution:

(A) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such financial institution as a primary dealer in United States Government debt instruments.

(B) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—Such financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds.

The imposition of either sanction under subparagraph (A) or (B) shall be treated as 1 sanction for purposes of section 5, and the imposition of both such sanctions shall be treated as 2 sanctions for purposes of section 5.

(5) PROCUREMENT SANCTION.—The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from a sanctioned person.

(6) **ADDITIONAL SANCTIONS.**—The President may impose sanctions, as appropriate, to restrict imports with respect to a sanctioned person, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 and following).

50 USC 1701  
note.

#### **SEC. 7. ADVISORY OPINIONS.**

The Secretary of State may, upon the request of any person, issue an advisory opinion to that person as to whether a proposed activity by that person would subject that person to sanctions under this Act. Any person who relies in good faith on such an advisory opinion which states that the proposed activity would not subject a person to such sanctions, and any person who thereafter engages in such activity, will not be made subject to such sanctions on account of such activity.

50 USC 1701  
note.

#### **SEC. 8. TERMINATION OF SANCTIONS.**

(a) **IRAN.**—The requirement under section 5(a) to impose sanctions shall no longer have force or effect with respect to Iran if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has ceased its efforts to design, develop, manufacture, or acquire—

(A) a nuclear explosive device or related materials and technology;

(B) chemical and biological weapons; and

(C) ballistic missiles and ballistic missile launch technology; and

(2) has been removed from the list of countries the governments of which have been determined, for purposes of section 6(j) of the Export Administration Act of 1979, to have repeatedly provided support for acts of international terrorism.

(b) **LIBYA.**—The requirement under section 5(b) to impose sanctions shall no longer have force or effect with respect to Libya if the President determines and certifies to the appropriate congressional committees that Libya has fulfilled the requirements of United Nations Security Council Resolution 731, adopted January 21, 1992, United Nations Security Council Resolution 748, adopted March 31, 1992, and United Nations Security Council Resolution 883, adopted November 11, 1993.

50 USC 1701  
note.

#### **SEC. 9. DURATION OF SANCTIONS; PRESIDENTIAL WAIVER.**

(a) **DELAY OF SANCTIONS.**—

(1) **CONSULTATIONS.**—If the President makes a determination described in section 5(a) or 5(b) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions under this Act.

(2) **ACTIONS BY GOVERNMENT OF JURISDICTION.**—In order to pursue consultations under paragraph (1) with the government concerned, the President may delay imposition of sanctions under this Act for up to 90 days. Following such consultations, the President shall immediately impose sanctions unless the President determines and certifies to the Congress that the government has taken specific and effective actions, including, as appropriate, the imposition of appropriate penalties, to terminate the involvement of the foreign person in the activi-

ties that resulted in the determination by the President under section 5(a) or 5(b) concerning such person.

(3) **ADDITIONAL DELAY IN IMPOSITION OF SANCTIONS.**—The President may delay the imposition of sanctions for up to an additional 90 days if the President determines and certifies to the Congress that the government with primary jurisdiction over the person concerned is in the process of taking the actions described in paragraph (2).

(4) **REPORT TO CONGRESS.**—Not later than 90 days after making a determination under section 5(a) or 5(b), the President shall submit to the appropriate congressional committees a report on the status of consultations with the appropriate foreign government under this subsection, and the basis for any determination under paragraph (3).

(b) **DURATION OF SANCTIONS.**—A sanction imposed under section 5 shall remain in effect—

(1) for a period of not less than 2 years from the date on which it is imposed; or

(2) until such time as the President determines and certifies to the Congress that the person whose activities were the basis for imposing the sanction is no longer engaging in such activities and that the President has received reliable assurances that such person will not knowingly engage in such activities in the future, except that such sanction shall remain in effect for a period of at least 1 year.

(c) **PRESIDENTIAL WAIVER.**—

(1) **AUTHORITY.**—The President may waive the requirement in section 5 to impose a sanction or sanctions on a person described in section 5(c), and may waive the continued imposition of a sanction or sanctions under subsection (b) of this section, 30 days or more after the President determines and so reports to the appropriate congressional committees that it is important to the national interest of the United States to exercise such waiver authority.

Reports.

(2) **CONTENTS OF REPORT.**—Any report under paragraph (1) shall provide a specific and detailed rationale for the determination under paragraph (1), including—

(A) a description of the conduct that resulted in the determination under section 5(a) or (b), as the case may be;

(B) in the case of a foreign person, an explanation of the efforts to secure the cooperation of the government with primary jurisdiction over the sanctioned person to terminate or, as appropriate, penalize the activities that resulted in the determination under section 5(a) or (b), as the case may be;

(C) an estimate as to the significance—

(i) of the provision of the items described in section 5(a) to Iran's ability to develop its petroleum resources, or

(ii) of the provision of the items described in section 5(b)(1) to the abilities of Libya described in subparagraph (A), (B), or (C) of section 5(b)(1), or of the investment described in section 5(b)(2) on Libya's ability to develop its petroleum resources, as the case may be; and

(D) a statement as to the response of the United States in the event that the person concerned engages in other activities that would be subject to section 5(a) or (b).

(3) **EFFECT OF REPORT ON WAIVER.**—If the President makes a report under paragraph (1) with respect to a waiver of sanctions on a person described in section 5(c), sanctions need not be imposed under section 5(a) or (b) on that person during the 30-day period referred to in paragraph (1).

President.  
50 USC 1701  
note.

#### **SEC. 10. REPORTS REQUIRED.**

(a) **REPORT ON CERTAIN INTERNATIONAL INITIATIVES.**—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the President shall transmit a report to the appropriate congressional committees describing—

(1) the efforts of the President to mount a multilateral campaign to persuade all countries to pressure Iran to cease its nuclear, chemical, biological, and missile weapons programs and its support of acts of international terrorism;

(2) the efforts of the President to persuade other governments to ask Iran to reduce the presence of Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran and to withdraw any such diplomats or representatives who participated in the takeover of the United States embassy in Tehran on November 4, 1979, or the subsequent holding of United States hostages for 444 days;

(3) the extent to which the International Atomic Energy Agency has established regular inspections of all nuclear facilities in Iran, including those presently under construction; and

(4) Iran's use of Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran to promote acts of international terrorism or to develop or sustain Iran's nuclear, chemical, biological, and missile weapons programs.

(b) **OTHER REPORTS.**—The President shall ensure the continued transmittal to the Congress of reports describing—

(1) the nuclear and other military capabilities of Iran, as required by section 601(a) of the Nuclear Non-Proliferation Act of 1978 and section 1607 of the National Defense Authorization Act for Fiscal Year 1993; and

(2) the support provided by Iran for acts of international terrorism, as part of the Department of State's annual report on international terrorism.

50 USC 1701  
note.

#### **SEC. 11. DETERMINATIONS NOT REVIEWABLE.**

A determination to impose sanctions under this Act shall not be reviewable in any court.

50 USC 1701  
note.

#### **SEC. 12. EXCLUSION OF CERTAIN ACTIVITIES.**

Nothing in this Act shall apply to any activities subject to the reporting requirements of title V of the National Security Act of 1947.

50 USC 1701  
note.

#### **SEC. 13. EFFECTIVE DATE; SUNSET.**

(a) **EFFECTIVE DATE.**—This Act shall take effect on the date of the enactment of this Act.

(b) **SUNSET.**—This Act shall cease to be effective on the date that is 5 years after the date of the enactment of this Act.

## SEC. 14. DEFINITIONS.

50 USC 1701  
note.

As used in this Act:

(1) ACT OF INTERNATIONAL TERRORISM.—The term “act of international terrorism” means an act—

(A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(B) which appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate and the Committee on Ways and Means, the Committee on Banking and Financial Services, and the Committee on International Relations of the House of Representatives.

(3) COMPONENT PART.—The term “component part” has the meaning given that term in section 11A(e)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(1)).

(4) DEVELOP AND DEVELOPMENT.—To “develop”, or the “development” of, petroleum resources means the exploration for, or the extraction, refining, or transportation by pipeline of, petroleum resources.

(5) FINANCIAL INSTITUTION.—The term “financial institution” includes—

(A) a depository institution (as defined in section 3(c)(1) of the Federal Deposit Insurance Act), including a branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978);

(B) a credit union;

(C) a securities firm, including a broker or dealer;

(D) an insurance company, including an agency or underwriter; and

(E) any other company that provides financial services.

(6) FINISHED PRODUCT.—The term “finished product” has the meaning given that term in section 11A(e)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(2)).

(7) FOREIGN PERSON.—The term “foreign person” means—

(A) an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States; or

(B) a corporation, partnership, or other nongovernmental entity which is not a United States person.

(8) GOODS AND TECHNOLOGY.—The terms “goods” and “technology” have the meanings given those terms in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415).

(9) INVESTMENT.—The term “investment” means any of the following activities if such activity is undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Government of Iran or a nongovernmental entity in Iran, or with the Govern-

ment of Libya or a nongovernmental entity in Libya, on or after the date of the enactment of this Act:

(A) The entry into a contract that includes responsibility for the development of petroleum resources located in Iran or Libya (as the case may be), or the entry into a contract providing for the general supervision and guarantee of another person's performance of such a contract.

(B) The purchase of a share of ownership, including an equity interest, in that development.

(C) The entry into a contract providing for the participation in royalties, earnings, or profits in that development, without regard to the form of the participation.

The term "investment" does not include the entry into, performance, or financing of a contract to sell or purchase goods, services, or technology.

(10) IRAN.—The term "Iran" includes any agency or instrumentality of Iran.

(11) IRANIAN DIPLOMATS AND REPRESENTATIVES OF OTHER GOVERNMENT AND MILITARY OR QUASI-GOVERNMENTAL INSTITUTIONS OF IRAN.—The term "Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran" includes employees, representatives, or affiliates of Iran's—

- (A) Foreign Ministry;
- (B) Ministry of Intelligence and Security;
- (C) Revolutionary Guard Corps;
- (D) Crusade for Reconstruction;
- (E) Qods (Jerusalem) Forces;
- (F) Interior Ministry;
- (G) Foundation for the Oppressed and Disabled;
- (H) Prophet's Foundation;
- (I) June 5th Foundation;
- (J) Martyr's Foundation;
- (K) Islamic Propagation Organization; and
- (L) Ministry of Islamic Guidance.

(12) LIBYA.—The term "Libya" includes any agency or instrumentality of Libya.

(13) NUCLEAR EXPLOSIVE DEVICE.—The term "nuclear explosive device" means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material (as defined in section 11(aa) of the Atomic Energy Act of 1954) that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT).

(14) PERSON.—The term "person" means—

- (A) a natural person;
- (B) a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise; and
- (C) any successor to any entity described in subparagraph (B).

(15) PETROLEUM RESOURCES.—The term "petroleum resources" includes petroleum and natural gas resources.

(16) UNITED STATES OR STATE.—The term “United States” or “State” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(17) UNITED STATES PERSON.—The term “United States person” means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity.

Approved August 5, 1996.

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**LEGISLATIVE HISTORY—H.R. 3107 (S. 1228):**

HOUSE REPORTS: No. 104-523, Pt. 1 (Comm. on International Relations) and Pt. 2 (Comm. on Ways and Means).

SENATE REPORTS: No. 104-187 accompanying S. 1228 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 142 (1996):

June 18, 19, considered and passed House.

July 16, considered and passed Senate, amended.

July 23, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Aug. 5, Presidential remarks.

Public Law 104-173  
104th Congress

An Act

Aug. 6, 1996  
[H.R. 1051]

To provide for the extension of certain hydroelectric projects located in the State of West Virginia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF DEADLINE.**

(a) **IN GENERAL.**—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission projects numbered 6901 and 6902, the Commission shall, upon the request of the licensee for those projects, in accordance with the good faith, due diligence, and public interest requirements of that section, the Commission's procedures under that section, and the procedures specified in that section, extend the time period during which the licensee is required to commence construction of those projects so as to terminate on October 3, 1999.

(b) **APPLICABILITY.**—Subsection (a) shall take effect for the projects upon the expiration of the extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the period required for commencement of construction of the projects.

(c) **REINSTATEMENT OF EXPIRED LICENSE.**—If a license for a project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project until October 3, 1999.

Approved August 6, 1996.

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**LEGISLATIVE HISTORY—H.R. 1051 (S. 359):**

HOUSE REPORTS: No. 104-319 (Comm. on Commerce).

SENATE REPORTS: No. 104-71 accompanying S. 359 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): Nov. 13, considered and passed House.

Vol. 142 (1996): July 25, considered and passed Senate.

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104th Congress

An Act

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**SECTION 1. EXTENSION OF DEADLINE.**

(a) **IN GENERAL.**—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission projects numbered 6901 and 6902, the Commission shall, upon the request of the licensee for those projects, in accordance with the good faith, due diligence, and public interest requirements of that section, the Commission's procedures under that section, and the procedures specified in that section, extend the time period during which the licensee is required to commence construction of those projects so as to terminate on October 3, 1999.

(b) **APPLICABILITY.**—Subsection (a) shall take effect for the projects upon the expiration of the extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the period required for commencement of construction of the projects.

(c) **REINSTATEMENT OF EXPIRED LICENSE.**—If a license for a project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project until October 3, 1999.

Approved August 6, 1996.

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**LEGISLATIVE HISTORY—H.R. 1051 (S. 359):**

HOUSE REPORTS: No. 104-319 (Comm. on Commerce).

SENATE REPORTS: No. 104-71 accompanying S. 359 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): Nov. 13, considered and passed House.

Vol. 142 (1996): July 25, considered and passed Senate.

Public Law 104-174  
104th Congress

An Act

To authorize minors who are under the child labor provisions of the Fair Labor Standards Act of 1938 and who are under 18 years of age to load materials into balers and compactors that meet appropriate American National Standards Institute design safety standards.

Aug. 6, 1996

[H.R. 1114]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AUTHORITY FOR 16- AND 17-YEAR-OLDS TO LOAD MATERIALS INTO SCRAP PAPER BALERS AND PAPER BOX COMPACTORS.**

Section 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c)) is amended by adding to the end thereof the following new paragraph:

“(5)(A) In the administration and enforcement of the child labor provisions of this Act, employees who are 16 and 17 years of age shall be permitted to load materials into, but not operate or unload materials from, scrap paper balers and paper box compactors—

“(i) that are safe for 16- and 17-year-old employees loading the scrap paper balers or paper box compactors; and

“(ii) that cannot be operated while being loaded.

“(B) For purposes of subparagraph (A), scrap paper balers and paper box compactors shall be considered safe for 16- or 17-year-old employees to load only if—

“(i)(I) the scrap paper balers and paper box compactors meet the American National Standards Institute's Standard ANSI Z245.5-1990 for scrap paper balers and Standard ANSI Z245.2-1992 for paper box compactors; or

“(II) the scrap paper balers and paper box compactors meet an applicable standard that is adopted by the American National Standards Institute after the date of enactment of this paragraph and that is certified by the Secretary to be at least as protective of the safety of minors as the standard described in subclause (I);

“(ii) the scrap paper balers and paper box compactors include an on-off switch incorporating a key-lock or other system and the control of the system is maintained in the custody of employees who are 18 years of age or older;

“(iii) the on-off switch of the scrap paper balers and paper box compactors is maintained in an off position when the scrap paper balers and paper box compactors are not in operation; and

"(iv) the employer of 16- and 17-year-old employees provides notice, and posts a notice, on the scrap paper balers and paper box compactors stating that—

"(I) the scrap paper balers and paper box compactors meet the applicable standard described in clause (i);

"(II) 16- and 17-year-old employees may only load the scrap paper balers and paper box compactors; and

"(III) any employee under the age of 18 may not operate or unload the scrap paper balers and paper box compactors.

Federal Register,  
publication.

The Secretary shall publish in the Federal Register a standard that is adopted by the American National Standards Institute for scrap paper balers or paper box compactors and certified by the Secretary to be protective of the safety of minors under clause (i)(II).

Reports.

"(C)(i) Employers shall prepare and submit to the Secretary reports—

"(I) on any injury to an employee under the age of 18 that requires medical treatment (other than first aid) resulting from the employee's contact with a scrap paper baler or paper box compactor during the loading, operation, or unloading of the baler or compactor; and

"(II) on any fatality of an employee under the age of 18 resulting from the employee's contact with a scrap paper baler or paper box compactor during the loading, operation, or unloading of the baler or compactor.

"(ii) The reports described in clause (i) shall be used by the Secretary to determine whether or not the implementation of subparagraph (A) has had any effect on the safety of children.

"(iii) The reports described in clause (i) shall provide—

"(I) the name, telephone number, and address of the employer and the address of the place of employment where the incident occurred;

"(II) the name, telephone number, and address of the employee who suffered an injury or death as a result of the incident;

"(III) the date of the incident;

"(IV) a description of the injury and a narrative describing how the incident occurred; and

"(V) the name of the manufacturer and the model number of the scrap paper baler or paper box compactor involved in the incident.

"(iv) The reports described in clause (i) shall be submitted to the Secretary promptly, but not later than 10 days after the date on which an incident relating to an injury or death occurred.

"(v) The Secretary may not rely solely on the reports described in clause (i) as the basis for making a determination that any of the employers described in clause (i) has violated a provision of section 12 relating to oppressive child labor or a regulation or order issued pursuant to section 12. The Secretary shall, prior to making such a determination, conduct an investigation and inspection in accordance with section 12(b).

"(vi) The reporting requirements of this subparagraph shall expire 2 years after the date of enactment of this subparagraph."

## SEC. 2. CIVIL MONEY PENALTY.

Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended in the first sentence—

(1) by striking “section 12,” and inserting “section 12 or section 13(c)(5),”; and

(2) by striking “that section” and inserting “section 12 or section 13(c)(5)”.

**SEC. 3. CONSTRUCTION.**

29 USC 213 note.

Section 1 shall not be construed as affecting the exemption for apprentices and student learners published in section 570.63 of title 29, Code of Federal Regulations.

Approved August 6, 1996.

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**LEGISLATIVE HISTORY—H.R. 1114:**

HOUSE REPORTS: No. 104-278 (Comm. on Economic and Educational Opportunities).

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): Oct. 24, considered and passed House.

Vol. 142 (1996): July 16, considered and passed Senate, amended.

July 25, House concurred in Senate amendment.

Public Law 104-175  
104th Congress

An Act

Aug. 6, 1996

[S. 531]

To authorize a circuit judge who has taken part in an in banc hearing of a case to continue to participate in that case after taking senior status, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AMENDMENT.**

The last sentence of section 46(c) of title 28, United States Code, is amended by inserting “(1)” after “eligible” and by inserting before the period at the end of the sentence “, or (2) to continue to participate in the decision of a case or controversy that was heard or reheard by the court in banc at a time when such judge was in regular active service”.

Approved August 6, 1996.

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**LEGISLATIVE HISTORY—S. 531:**

HOUSE REPORTS: No. 104-697 (Comm. on the Judiciary).

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): Sept. 28, considered and passed Senate.

Vol. 142 (1996): July 29, considered and passed House.

Public Law 104-176  
104th Congress

Joint Resolution

Granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland.

Aug. 6, 1996  
[S.J. Res. 20]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. CONGRESSIONAL CONSENT.

The Congress hereby consents to the Jennings Randolph Lake Project Compact entered into between the States of West Virginia and Maryland which compact is substantially as follows:

**“COMPACT**

Jennings  
Randolph  
Lake Project  
Compact.

“Whereas the State of Maryland and the State of West Virginia, with the concurrence of the United States Department of the Army, Corps of Engineers, have approved and desire to enter into a compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, for which they seek the approval of Congress, and which compact is as follows:

“Whereas the signatory parties hereto desire to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, for which they have a joint responsibility; and they declare as follows:

“1. The Congress, under Public Law 87-874, authorized the development of the Jennings Randolph Lake Project for the North Branch of the Potomac River substantially in accordance with House Document Number 469, 87th Congress, 2nd Session for flood control, water supply, water quality, and recreation; and

“2. Section 4 of the Flood Control Act of 1944 (Ch 665, 58 Stat. 534) provides that the Chief of Engineers, under the supervision of the Secretary of War (now Secretary of the Army), is authorized to construct, maintain and operate public park and recreational facilities in reservoir areas under control of such Secretary for the purpose of boating, swimming, bathing, fishing, and other recreational purposes, so long as the same is not inconsistent with the laws for the protection of

fish and wildlife of the State(s) in which such area is situated; and

"3. Pursuant to the authorities cited above, the U.S. Army Engineer District (Baltimore), hereinafter 'District', did construct and now maintains and operates the Jennings Randolph Lake Project; and

"4. The National Environmental Policy Act of 1969 (P.L. 91-190) encourages productive and enjoyable harmony between man and his environment, promotes efforts which will stimulate the health and welfare of man, and encourages cooperation with State and local governments to achieve these ends; and

"5. The Fish and Wildlife Coordination Act (16 U.S.C. 661-666c) provides for the consideration and coordination with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation; and

"6. The District has Fisheries and Wildlife Plans as part of the District's project Operational Management Plan; and

"7. In the respective States, the Maryland Department of Natural Resources (hereinafter referred to as 'Maryland DNR') and the West Virginia Division of Natural Resources (hereinafter referred to as 'West Virginia DNR') are responsible for providing a system of control, propagation, management, protection, and regulation of natural resources and boating in Maryland and West Virginia and the enforcement of laws and regulations pertaining to those resources as provided in Annotated Code of Maryland Natural Resources Article and West Virginia Chapter 20, respectively, and the successors thereof; and

"8. The District, the Maryland DNR, and the West Virginia DNR are desirous of conserving, perpetuating and improving fish and wildlife resources and recreational benefits of the Jennings Randolph Lake Project; and

"9. The District and the States of Maryland and West Virginia wish to implement the aforesaid acts and responsibilities through this Compact and they each recognize that consistent enforcement of the natural resources and boating laws and regulations can best be achieved by entering this Compact:

"Now, therefore, be it *Resolved*, That the States of Maryland and West Virginia, with the concurrence of the United States Department of the Army, Corps of Engineers, hereby solemnly covenant and agree with each other, upon enactment of concurrent legislation by The Congress of the United States and by the respective state legislatures, to the Jennings Randolph Lake Project Compact, which consists of this preamble and the articles that follow:

#### **"Article I—Name, Findings, and Purpose**

"1.1 This compact shall be known and may be cited as the Jennings Randolph Lake Project Compact.

"1.2 The legislative bodies of the respective signatory parties, with the concurrence of the U.S. Army Corps of Engineers, hereby find and declare:

"1. The water resources and project lands of the Jennings Randolph Lake Project are affected with local, state, regional, and national interest, and the planning, conservation, utilization, protec-

tion and management of these resources, under appropriate arrangements for inter-governmental cooperation, are public purposes of the respective signatory parties.

"2. The lands and waters of the Jennings Randolph Lake Project are subject to the sovereign rights and responsibilities of the signatory parties, and it is the purpose of this compact that, notwithstanding any boundary between Maryland and West Virginia that preexisted the creation of Jennings Randolph Lake, the parties will have and exercise concurrent jurisdiction over any lands and waters of the Jennings Randolph Lake Project concerning natural resources and boating laws and regulations in the common interest of the people of the region.

### **"Article II—District Responsibilities**

"The District, within the Jennings Randolph Lake Project,

"2.1 Acknowledges that the Maryland DNR and West Virginia DNR have authorities and responsibilities in the establishment, administration and enforcement of the natural resources and boating laws and regulations applicable to this project, provided that the laws and regulations promulgated by the States support and implement, where applicable, the intent of the Rules and Regulations Governing Public Use of Water Resources Development Projects administered by the Chief of Engineers in Title 36, Chapter RI, Part 327, Code of Federal Regulations,

"2.2 Agrees to practice those forms of resource management as determined jointly by the District, Maryland DNR and West Virginia DNR to be beneficial to natural resources and which will enhance public recreational opportunities compatible with other authorized purposes of the project,

"2.3 Agrees to consult with the Maryland DNR and West Virginia DNR prior to the issuance of any permits for activities or special events which would include, but not necessarily be limited to: fishing tournaments, training exercises, regattas, marine parades, placement of ski ramps, slalom water ski courses and the establishment of private markers and/or lighting. All such permits issued by the District will require the permittee to comply with all State laws and regulations,

"2.4 Agrees to consult with the Maryland DNR and West Virginia DNR regarding any recommendations for regulations affecting natural resources, including, but not limited to, hunting, trapping, fishing or boating at the Jennings Randolph Lake Project which the District believes might be desirable for reasons of public safety, administration of public use and enjoyment,

"2.5 Agrees to consult with the Maryland DNR and West Virginia DNR relative to the marking of the lake with buoys, aids to navigation, regulatory markers and establishing and posting of speed limits, no wake zones, restricted or other control areas and to provide, install and maintain such buoys, aids to navigation and regulatory markers as are necessary for the implementation of the District's Operational Management Plan. All buoys, aids to navigation and regulatory markers to be used shall be marked in conformance with the Uniform State Waterway Marking System,

"2.6 Agrees to allow hunting, trapping, boating and fishing by the public in accordance with the laws and regulations relating to the Jennings Randolph Lake Project,

"2.7 Agrees to provide, install and maintain public ramps, parking areas, courtesy docks, etc., as provided for by the approved Corps of Engineers Master Plan, and

"2.8 Agrees to notify the Maryland DNR and the West Virginia DNR of each reservoir drawdown prior thereto excepting drawdown for the reestablishment of normal lake levels following flood control operations and drawdown resulting from routine water control management operations described in the reservoir regulation manual including releases requested by water supply owners and normal water quality releases. In case of emergency releases or emergency flow curtailments, telephone or oral notification will be provided. The District reserves the right, following issuance of the above notice, to make operational and other tests which may be necessary to insure the safe and efficient operation of the dam, for inspection and maintenance purposes, and for the gathering of water quality data both within the impoundment and in the Potomac River downstream from the dam.

### **"Article III—State Responsibilities**

"The State of Maryland and the State of West Virginia agree:

"3.1 That each State will have and exercise concurrent jurisdiction with the District and the other State for the purpose of enforcing the civil and criminal laws of the respective States pertaining to natural resources and boating laws and regulations over any lands and waters of the Jennings Randolph Lake Project;

"3.2 That existing natural resources and boating laws and regulations already in effect in each State shall remain in force on the Jennings Randolph Lake Project until either State amends, modifies or rescinds its laws and regulations;

"3.3 That the Agreement for Fishing Privileges dated June 24, 1985 between the State of Maryland and the State of West Virginia, as amended, remains in full force and effect;

"3.4 To enforce the natural resources and boating laws and regulations applicable to the Jennings Randolph Lake Project;

"3.5 To supply the District with the name, address and telephone number of the person(s) to be contacted when any drawdown except those resulting from normal regulation procedures occurs;

"3.6 To inform the Reservoir Manager of all emergencies or unusual activities occurring on the Jennings Randolph Lake Project;

"3.7 To provide training to District employees in order to familiarize them with natural resources and boating laws and regulations as they apply to the Jennings Randolph Lake Project; and

"3.8 To recognize that the District and other Federal Agencies have the right and responsibility to enforce, within the boundaries of the Jennings Randolph Lake Project, all applicable Federal laws, rules and regulations so as to provide the public with safe and healthful recreational opportunities and to provide protection to all federal property within the project.

### **"Article IV—Mutual Cooperation**

"4.1 Pursuant to the aims and purposes of this Compact, the State of Maryland, the State of West Virginia and the District mutually agree that representatives of their natural resource management and enforcement agencies will cooperate to further the purposes of this Compact. This cooperation includes, but is not limited to, the following:

"4.2 Meeting jointly at least once annually, and providing for other meetings as deemed necessary for discussion of matters relating to the management of natural resources and visitor use on lands and waters within the Jennings Randolph Lake Project;

"4.3 Evaluating natural resources and boating, to develop natural resources and boating management plans and to initiate and carry out management programs;

"4.4 Encouraging the dissemination of joint publications, press releases or other public information and the interchange between parties of all pertinent agency policies and objectives for the use and perpetuation of natural resources of the Jennings Randolph Lake Project; and

"4.5 Entering into working arrangements as occasion demands for the use of lands, waters, construction and use of buildings and other facilities at the project.

#### **"Article V—General Provisions**

"5.1 Each and every provision of this Compact is subject to the laws of the States of Maryland and West Virginia and the laws of the United States, and the delegated authority in each instance.

"5.2 The enforcement and applicability of natural resources and boating laws and regulations referenced in this Compact shall be limited to the lands and waters of the Jennings Randolph Lake Project, including but not limited to the prevailing reciprocal fishing laws and regulations between the States of Maryland and West Virginia.

"5.3 Nothing in this Compact shall be construed as obligating any party hereto to the expenditure of funds or the future payment of money in excess of appropriations authorized by law.

"5.4 The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision of the Jennings Randolph Lake Project Compact is declared to be unconstitutional or inapplicable to any signatory party or agency of any party, the constitutionality and applicability of the Compact shall not be otherwise affected as to any provision, party, or agency. It is the legislative intent that the provisions of the Compact be reasonably and liberally construed to effectuate the stated purposes of the Compact.

"5.5 No member of or delegate to Congress, or signatory shall be admitted to any share or part of this Compact, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

"5.6 When this Compact has been ratified by the legislature of each respective State, when the Governor of West Virginia and the Governor of Maryland have executed this Compact on behalf of their respective States and have caused a verified copy thereof to be filed with the Secretary of State of each respective State, when the Baltimore District of the U.S. Army Corps of Engineers has executed its concurrence with this Compact, and when this Compact has been consented to by the Congress of the United States, then this Compact shall become operative and effective.

Effective date.

"5.7 Either State may, by legislative act, after one year's written notice to the other, withdraw from this Compact. The U.S. Army Corps of Engineers may withdraw its concurrence with this Compact

upon one year's written notice from the Baltimore District Engineer to the Governor of each State.

Effective date.

"5.8 This Compact may be amended from time to time. Each proposed amendment shall be presented in resolution form to the Governor of each State and the Baltimore District Engineer of the U.S. Army Corps of Engineers. An amendment to this Compact shall become effective only after it has been ratified by the legislatures of both signatory States and concurred in by the U.S. Army Corps of Engineers, Baltimore District. Amendments shall become effective thirty days after the date of the last concurrence or ratification."

SEC. 2. The right to alter, amend or repeal this joint resolution is hereby expressly reserved. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the compact.

Approved August 6, 1996.

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LEGISLATIVE HISTORY—S.J. Res. 20 (H.J. Res. 113):

HOUSE REPORTS: No. 104-706 accompanying H.J. Res. 113 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 141 (1995): Sept. 20, considered and passed Senate.

Vol. 142 (1996): July 29, H.J. Res. 113 and S.J. Res. 20 considered and passed House.

Public Law 104-177  
104th Congress

An Act

To amend title 18 of the United States Code to allow members of employee associations to represent their views before the United States Government.

Aug. 6, 1996

[H.R. 782]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Federal Employee Representation Improvement Act of 1996”.

Federal  
Employee  
Representation  
Improvement Act  
of 1996.  
18 USC 201 note.

**SEC. 2. REPRESENTATION BY FEDERAL OFFICERS AND EMPLOYEES.**

(a) **EXTENSION OF EXEMPTION TO PROHIBITION.**—Subsection (d) of section 205 of title 18, United States Code, is amended to read as follows:

“(d)(1) Nothing in subsection (a) or (b) prevents an officer or employee, if not inconsistent with the faithful performance of that officer’s or employee’s duties, from acting without compensation as agent or attorney for, or otherwise representing—

“(A) any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings; or

“(B) except as provided in paragraph (2), any cooperative, voluntary, professional, recreational, or similar organization or group not established or operated for profit, if a majority of the organization’s or groups’s members are current officers or employees of the United States or of the District of Columbia, or their spouses or dependent children.

“(2) Paragraph (1)(B) does not apply with respect to a covered matter that—

“(A) is a claim under subsection (a)(1) or (b)(1);

“(B) is a judicial or administrative proceeding where the organization or group is a party; or

“(C) involves a grant, contract, or other agreement (including a request for any such grant, contract, or agreement) providing for the disbursement of Federal funds to the organization or group.”.

(b) **APPLICATION TO LABOR-MANAGEMENT RELATIONS.**—Section 205 of title 18, United States Code, is amended by adding at the end the following:

“(i) Nothing in this section prevents an employee from acting pursuant to—

“(1) chapter 71 of title 5;

“(2) section 1004 or chapter 12 of title 39;

“(3) section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831b);

“(4) chapter 10 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4104 et seq.); or

“(5) any provision of any other Federal or District of Columbia law that authorizes labor-management relations between an agency or instrumentality of the United States or the District of Columbia and any labor organization that represents its employees.”.

Approved August 6, 1996.

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**LEGISLATIVE HISTORY—H.R. 782:**

HOUSE REPORTS: No. 104-230 (Comm. on the Judiciary).

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): Oct. 24, considered and passed House.

Vol. 142 (1996): July 25, considered and passed Senate, amended.  
Aug. 1, House concurred in Senate amendment.

Public Law 104-178  
104th Congress

An Act

To amend title 18, United States Code, to repeal the provision relating to Federal employees contracting or trading with Indians.

Aug. 6, 1996  
[H.R. 3215]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FEDERAL EMPLOYEES CONTRACTING OR TRADING WITH INDIANS.**

(a) REPEAL.—Section 437 of title 18, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 23 of title 18, United States Code, is amended by striking the item relating to section 437.

(c) EFFECTIVE DATE.—The repeal made by subsection (a) shall—

- (1) take effect on the date of enactment of this Act; and
- (2) apply with respect to any contract obtained, and any purchase or sale occurring, on or after the date of enactment of this Act.

18 USC 437 note.

Approved August 6, 1996.

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**LEGISLATIVE HISTORY—H.R. 3215:**

HOUSE REPORTS: No. 104-681 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 142 (1996):

July 29, considered and passed House.

July 31, considered and passed Senate.

Public Law 104-179  
104th Congress

An Act

Aug. 6, 1996  
[H.R. 3235]

To amend the Ethics in Government Act of 1978, to extend the authorization of appropriations for the Office of Government Ethics for 3 years, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Office of Government Ethics Authorization Act of 1996".

**SEC. 2. GIFT ACCEPTANCE AUTHORITY.**

Section 403 of the Ethics in Government Act of 1978 (5 U.S.C. App. 5) is amended—

- (1) by inserting "(a)" before "Upon the request"; and
- (2) by adding at the end the following:

"(b)(1) The Director is authorized to accept and utilize on behalf of the United States, any gift, donation, bequest, or devise of money, use of facilities, personal property, or services for the purpose of aiding or facilitating the work of the Office of Government Ethics.

"(2) No gift may be accepted—

"(A) that attaches conditions inconsistent with applicable laws or regulations; or

"(B) that is conditioned upon or will require the expenditure of appropriated funds that are not available to the Office of Government Ethics.

"(3) The Director shall establish written rules setting forth the criteria to be used in determining whether the acceptance of contributions of money, services, use of facilities, or personal property under this subsection would reflect unfavorably upon the ability of the Office of Government Ethics, or any employee of such Office, to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs."

**SEC. 3. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.**

The text of section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App. 5) is amended to read as follows: "There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 1997 through 1999."

**SEC. 4. REPEAL AND CONFORMING AMENDMENTS.**

(a) **REPEAL OF DISPLAY REQUIREMENT.**—The Act entitled "An Act to provide for the display of the Code of Ethics for Government Service," approved July 3, 1980 (5 U.S.C. 7301 note), is repealed.

Office of  
Government  
Ethics  
Authorization  
Act of 1996.  
5 USC app. 101  
note.

Rules.

## (b) CONFORMING AMENDMENTS.—

(1) FDIA.—Section 12(f)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1822(f)(3)) is amended by striking “, with the concurrence of the Office of Government Ethics,”.

(2) ETHICS IN GOVERNMENT ACT OF 1978.—(A) The heading for section 401 of the Ethics in Government Act of 1978 is amended to read as follows: 5 USC app. 401.

“ESTABLISHMENT; APPOINTMENT OF DIRECTOR”.

(B) Section 408 of such Act is amended by striking “March 31” and inserting “April 30”. 5 USC app. 408.

**SEC. 5. LIMITATION ON POSTEMPLOYMENT RESTRICTIONS.**

Section 207(j) of title 18, United States Code, is amended by adding at the end the following new paragraph:

“(7) POLITICAL PARTIES AND CAMPAIGN COMMITTEES.—(A) Except as provided in subparagraph (B), the restrictions contained in subsections (c), (d), and (e) shall not apply to a communication or appearance made solely on behalf of a candidate in his or her capacity as a candidate, an authorized committee, a national committee, a national Federal campaign committee, a State committee, or a political party.

“(B) Subparagraph (A) shall not apply to—

“(i) any communication to, or appearance before, the Federal Election Commission by a former officer or employee of the Federal Election Commission; or

“(ii) a communication or appearance made by a person who is subject to the restrictions contained in subsections (c), (d), or (e) if, at the time of the communication or appearance, the person is employed by a person or entity other than—

“(I) a candidate, an authorized committee, a national committee, a national Federal campaign committee, a State committee, or a political party; or

“(II) a person or entity who represents, aids, or advises only persons or entities described in subclause (I).

“(C) For purposes of this paragraph—

“(i) the term ‘candidate’ means any person who seeks nomination for election, or election, to Federal or State office or who has authorized others to explore on his or her behalf the possibility of seeking nomination for election, or election, to Federal or State office;

“(ii) the term ‘authorized committee’ means any political committee designated in writing by a candidate as authorized to receive contributions or make expenditures to promote the nomination for election, or the election, of such candidate, or to explore the possibility of seeking nomination for election, or the election, of such candidate, except that a political committee that receives contributions or makes expenditures to promote more than 1 candidate may not be designated as an authorized committee for purposes of subparagraph (A);

“(iii) the term ‘national committee’ means the organization which, by virtue of the bylaws of a political party,

is responsible for the day-to-day operation of such political party at the national level;

“(iv) the term ‘national Federal campaign committee’ means an organization that, by virtue of the bylaws of a political party, is established primarily for the purpose of providing assistance, at the national level, to candidates nominated by that party for election to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

“(v) the term ‘State committee’ means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level;

“(vi) the term ‘political party’ means an association, committee, or organization that nominates a candidate for election to any Federal or State elected office whose name appears on the election ballot as the candidate of such association, committee, or organization; and

“(vii) the term ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.”.

#### **SEC. 6. PAY LEVEL.**

Section 207(c)(2)(A)(ii) of title 18, United States Code, is amended by striking “level V of the Executive Schedule,” and inserting “level 5 of the Senior Executive Service,”.

Approved August 6, 1996.

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#### **LEGISLATIVE HISTORY—H.R. 3235 (S. 699):**

HOUSE REPORTS: No. 104-595, Pt. 1 (Comm. on the Judiciary).

SENATE REPORTS: No. 104-244 accompanying S. 699 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 142 (1996):

June 4, considered and passed House.

July 24, considered and passed Senate.

Public Law 104-180  
104th Congress

An Act

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes.

Aug. 6, 1996

[H.R. 3603]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes, namely:

Agriculture,  
Rural  
Development,  
Food and Drug  
Administration,  
and Related  
Agencies  
Appropriations  
Act, 1997.

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed \$75,000 for employment under 5 U.S.C. 3109, \$2,836,000: *Provided*, That not to exceed \$11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided*, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104-127: *Provided further*, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104-127.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a)

of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$4,231,000.

#### NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$25,000 is for employment under 5 U.S.C. 3109, \$11,718,000.

#### OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$5,986,000.

#### CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109, \$4,283,000: *Provided*, That the Chief Financial Officer shall actively market cross-servicing activities of the National Finance Center.

#### OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, \$613,000.

#### AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

##### (INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, and repair of Agriculture buildings, \$120,548,000: *Provided*, That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account. In addition, for construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the programs of the Department, where not otherwise provided, \$23,505,000, to remain available until expended; making a total appropriation of \$144,053,000.

## HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, \$15,700,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Waste Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

## DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, \$30,529,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL  
RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded in this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,668,000: *Provided*, That no other funds appropriated to the Department in this Act shall be available to the Department for support of activities of congressional relations: *Provided further*, That not less than \$2,241,000 shall be transferred to agencies funded in this Act to maintain personnel at the agency level.

## OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, \$8,138,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed \$2,000,000 may be used for farmers' bulletins.

## OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, as amended, \$63,028,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, as amended, including a sum not to exceed \$50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed \$95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98: *Provided*, That funds transferred to the Office of the Inspector General through forfeiture proceedings or from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as a participating agency, as an equitable share from the forfeiture of property in investigations in which the Office of the Inspector General participates, or through the granting of a Petition for Remission or Mitigation, shall be deposited to the credit of this account for law enforcement activities authorized under the Inspector General Act of 1978, as amended, to remain available until expended.

## OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$27,749,000.

## OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, \$540,000.

## ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, \$53,109,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

## NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture notwithstanding 13 U.S.C. 142(a-b), as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws,

\$100,221,000, of which up to \$17,500,000 shall be available until expended for the Census of Agriculture: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109.

#### AGRICULTURAL RESEARCH SERVICE

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, \$716,826,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed \$250,000, except for greenhouses or greenhouses which shall each be limited to \$1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed \$500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$250,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: *Provided further*, That all rights and title of the United States in the property known as the National Agricultural Water Quality Laboratory of the United States Department of Agriculture, consisting of approximately 9.161 acres in the city of Durant, Oklahoma, including facilities and fixed equipment, shall be conveyed to Southeastern Oklahoma State University.

7 USC 2254.

7 USC 2254.

Public lands.  
Southeastern  
Oklahoma State  
University.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

#### BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided,

\$69,100,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION  
SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including \$168,734,000 to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a-361i); \$20,497,000 for grants for cooperative forestry research (16 U.S.C. 582a-582-a7); \$27,735,000 for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222); \$49,767,000 for special grants for agricultural research (7 U.S.C. 450i(c)); \$11,769,000 for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)); \$94,203,000 for competitive research grants (7 U.S.C. 450i(b)); \$4,775,000 for the support of animal health and disease programs (7 U.S.C. 3195); \$650,000 for supplemental and alternative crops and products (7 U.S.C. 3319d); \$500,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended; \$475,000 for rangeland research grants (7 U.S.C. 3331-3336); \$3,000,000 for higher education graduate fellowships grants (7 U.S.C. 3152(b)(6)), to remain available until expended (7 U.S.C. 2209b); \$4,000,000 for higher education challenge grants (7 U.S.C. 3152(b)(1)); \$1,000,000 for a higher education minority scholars program (7 U.S.C. 3152(b)(5)), to remain available until expended (7 U.S.C. 2209b); \$1,500,000 for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241); \$4,000,000 for aquaculture grants (7 U.S.C. 3322); \$8,000,000 for sustainable agriculture research and education (7 U.S.C. 5811); \$9,200,000 for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326 and 328), including Tuskegee University, to remain available until expended (7 U.S.C. 2209b); \$1,450,000 for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103-382; and \$10,249,000 for necessary expenses of Research and Education Activities, of which not to exceed \$100,000 shall be for employment under 5 U.S.C. 3109; in all, \$421,504,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For establishment of a Native American institutions endowment fund, as authorized by Public Law 130-382 (7 U.S.C. 301 note), \$4,600,000.

## BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research, extension, and teaching programs of the Department of Agriculture, where not otherwise provided, \$61,591,000, to remain available until expended (7 U.S.C. 2209b).

## EXTENSION ACTIVITIES

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93-471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, \$268,493,000; \$2,000,000 for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)); payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$58,695,000; payments for the pest management program under section 3(d) of the Act, \$10,783,000; payments for the farm safety program under section 3(d) of the Act, \$2,855,000; payments for the pesticide impact assessment program under section 3(d) of the Act, \$3,214,000; payments to upgrade 1890 land-grant college research, extension, and teaching facilities as authorized by section 1447 of Public Law 95-113, as amended (7 U.S.C. 3222b), \$7,549,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, \$908,000; payments for a groundwater quality program under section 3(d) of the Act, \$10,733,000; payments for the agricultural telecommunications program, as authorized by Public Law 101-624 (7 U.S.C. 5926), \$1,167,000; payments for youth-at-risk programs under section 3(d) of the Act, \$9,554,000; payments for a food safety program under section 3(d) of the Act, \$2,365,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, \$3,192,000; payments for Indian reservation agents under section 3(d) of the Act, \$1,672,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$3,309,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101-624 (7 U.S.C. 2661 note, 2662), \$2,628,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326, 328) and Tuskegee University, \$24,337,000; and for Federal administration and coordination including administration of the Smith-Lever Act, as amended, and the Act of September 29, 1977 (7 U.S.C. 341-349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, \$12,066,000; in all, \$425,520,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and

American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND  
REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, \$618,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b-c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b); and to protect the environment, as authorized by law, \$434,909,000, of which \$4,500,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 1997 the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 1997, \$98,000,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

#### BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$3,200,000, to remain available until expended.

#### AGRICULTURAL MARKETING SERVICE

##### MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$90,000 for employment under 5 U.S.C. 3109, \$38,507,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

##### LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$59,012,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Appropriations Committees.

#### FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

##### (INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating

expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$10,576,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

#### PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,200,000.

#### GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 for employment under 5 U.S.C. 3109, \$23,128,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

##### INSPECTION AND WEIGHING SERVICES

##### LIMITATION ON INSPECTION AND WEIGHING SERVICE EXPENSES

Not to exceed \$43,207,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Appropriations Committees.

#### OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, \$446,000.

#### FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, the Poultry Products Inspection Act, as amended, and the Egg Products Inspection Act, as amended, \$574,000,000, and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102-237: *Provided*, That this appropriation shall not be available for

shell egg surveillance under section 5(d) of the Egg Products Inspection Act (21 U.S.C. 1034(d)): *Provided further*, That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN  
AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, Foreign Agricultural Service, and the Commodity Credit Corporation, \$572,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, \$746,440,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101-5106), \$2,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances

not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, \$100,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government: *Provided further*, That this amount shall be transferred to the Commodity Credit Corporation: *Provided further*, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

#### OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), \$1,000,000, to remain available until expended.

#### AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

##### (INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928-1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$600,000,000, of which \$550,000,000 shall be for guaranteed loans; operating loans, \$2,345,071,000, of which \$1,700,000,000 shall be for unsubsidized guaranteed loans and \$200,000,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$1,000,000; for emergency insured loans, \$25,000,000 to meet the needs resulting from natural disasters; for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, \$34,653,000; and for credit sales of acquired property, \$25,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, \$27,975,000, of which \$22,055,000 shall be for guaranteed loans; operating loans, \$96,840,000, of which \$19,210,000 shall be for unsubsidized guaranteed loans and \$18,480,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$54,000; for emergency insured loans, \$6,365,000 to meet the needs resulting from natural disasters for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, \$499,000; and for credit sales of acquired property, \$2,530,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$221,046,000, of which \$208,446,000 shall be transferred to and merged with the "Farm Service Agency, Salaries and Expenses" account.

#### OFFICE OF RISK MANAGEMENT

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7

U.S.C. 6933), \$64,000,000: *Provided*, That not to exceed \$700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

### CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

#### FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, as amended, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

#### COMMODITY CREDIT CORPORATION FUND

##### REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1997, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be \$1,500,000,000 in the President's fiscal year 1997 Budget Request (H. Doc. 104-162)), but not to exceed \$1,500,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a-11).

#### OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1997, the Commodity Credit Corporation shall not expend more than \$5,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: *Provided*, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation in this Act.

### TITLE II

#### CONSERVATION PROGRAMS

##### OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, \$693,000.

## NATURAL RESOURCES CONSERVATION SERVICE

## CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$619,742,000, to remain available until expended (7 U.S.C. 2209b), of which not less than \$5,835,000 is for snow survey and water forecasting and not less than \$8,825,000 is for operation and establishment of the plant materials centers: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c)): *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a-590f) in demonstration projects: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed \$25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e-2).

## WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001-1009), \$12,381,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$110,000 shall be available for employment under 5 U.S.C. 3109.

## WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001-1005, 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, \$101,036,000, to remain available until expended (7 U.S.C. 2209b) (of which up to \$15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

## RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010-1011; 76 Stat. 607), the Act of April 27, 1935 (16 U.S.C. 590a-f), and the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), \$29,377,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

## FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, \$6,325,000, to remain available until expended, as authorized by that Act.

## TITLE III

RURAL ECONOMIC AND COMMUNITY DEVELOPMENT  
PROGRAMS

## OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service,

Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, \$588,000.

#### RURAL HOUSING SERVICE

##### RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

###### (INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, as amended, to be available from funds in the rural housing insurance fund, as follows: \$3,300,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which \$2,300,000,000 shall be for unsubsidized guaranteed loans; \$35,000,000 for section 504 housing repair loans; \$15,000,000 for section 514 farm labor housing; \$58,654,000 for section 515 rental housing; \$600,000 for section 524 site loans; \$50,000,000 for credit sales of acquired property; and \$600,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$89,210,000, of which \$6,210,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$11,081,000; section 514 farm labor housing, \$6,885,000; section 515 rental housing, \$28,987,000; credit sales of acquired property, \$4,050,000; and section 523 self-help housing land development loans, \$17,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$366,205,000, which shall be transferred to and merged with the appropriation for "Rural Housing Service, Salaries and Expenses".

##### RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, as amended, \$493,870,000; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount not more than \$5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during fiscal year 1997 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

## MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$26,000,000, to remain available until expended (7 U.S.C. 2209b).

## RURAL HOUSING ASSISTANCE PROGRAM

## (INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, agreements, and grants, as authorized by 7 U.S.C. 1926, 42 U.S.C. 1472, 1474, 1479, 1486, and 1490(a), except for sections 381E, 381H, 381N of the Consolidated Farm and Rural Development Act, \$130,433,000, to remain available until expended, for direct loans and loan guarantees for community facilities, community facilities grant program, rental assistance associated with and direct loans for new construction of section 515 rental housing, rural housing for domestic farm labor grants, supervisory and technical assistance grants, very low-income housing repair grants, rural community fire protection grants, rural housing preservation grants, and compensation for construction defects of the Rural Housing Service: *Provided*, That the cost of direct loans and loan guarantees shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That the amounts appropriated shall be transferred to loan program and grant accounts as determined by the Secretary: *Provided further*, That of the funds made available in this paragraph not more than \$1,200,000 shall be available for the multi-family rural housing loan guarantee program as authorized by section 5 of Public Law 104-120: *Provided further*, That if such funds are not obligated for multi-family rural housing loan guarantees by June 30, 1997, they remain available for other authorized purposes under this head: *Provided further*, That of the total amount appropriated, not to exceed \$1,200,000 shall be available for the cost of direct loans, loan guarantees, and grants to be made available for empowerment zones and enterprise communities as authorized by Public Law 103-66: *Provided further*, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1997, they remain available for other authorized purposes under this head.

## SALARIES AND EXPENSES

For necessary expenses of the Rural Housing Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, as amended, title V of the Housing Act of 1949, as amended, and cooperative agreements, \$60,743,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed \$520,000 may be used for employment under 5 U.S.C. 3109.

RURAL BUSINESS-COOPERATIVE SERVICE  
RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT  
(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, \$17,270,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of \$37,544,000: *Provided further*, That through June 30, 1997, of the total amount appropriated \$3,345,000 shall be available for the cost of direct loans, for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, to subsidize gross obligations for the principal amount of direct loans, \$7,246,000.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT  
(INCLUDING TRANSFERS OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$12,865,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$2,830,000. In addition, for administrative expenses necessary to carry out the direct loan program, \$654,000, which shall be transferred to and merged with the appropriation for "Salaries and Expenses."

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION  
REVOLVING FUND

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901-5908), \$7,000,000 is appropriated to the alternative agricultural research and commercialization revolving fund.

RURAL BUSINESS—COOPERATIVE ASSISTANCE PROGRAM  
(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1928, and 1932, except for 381E, 381H, 381N of the Consolidated Farm and Rural Development Act, \$51,400,000, to remain available until expended, for direct loans and loan guarantees for business and industry assistance, rural business grants, rural cooperative development grants, and rural business opportunity grants of the Rural Business—Cooperative Service: *Provided*, That the cost of direct loans and loan guarantees shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That \$500,000 shall be available for grants to qualified nonprofit organizations as authorized under section 310B(c)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932): *Provided further*, That

the amounts appropriated shall be transferred to loan program and grant accounts as determined by the Secretary: *Provided further*, That, of the total amount appropriated, not to exceed \$3,000,000 shall be available for cooperative development: *Provided further*, That, of the total amount appropriated, not to exceed \$148,000 shall be available for the cost of direct loans, loan guarantees, and grants to be made available for business and industry loans for empowerment zones and enterprise communities as authorized by Public Law 103-66 and rural development loans for empowerment zones and enterprise communities as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993: *Provided further*, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1997, they remain available for other authorized purposes under this head.

#### SALARIES AND EXPENSES

For necessary expenses of the Rural Business—Cooperative Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, as amended; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926; for activities relating to the marketing aspects of cooperatives, including economic research findings, as authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and cooperative agreements; \$25,680,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed \$260,000 may be used for employment under 5 U.S.C. 3109.

#### RURAL UTILITIES SERVICE

##### RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

##### (INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: 5 percent rural electrification loans, \$125,000,000; 5 percent rural telecommunications loans, \$75,000,000; cost of money rural telecommunications loans, \$300,000,000; municipal rate rural electric loans, \$525,000,000; and loans made pursuant to section 306 of that Act, rural electric, \$300,000,000, and rural telecommunications, \$120,000,000, to remain available until expended.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), as follows: cost of direct loans, \$4,818,000; cost of municipal rate loans, \$28,245,000; cost of money rural telecommunications loans, \$60,000; cost of loans guaranteed pursuant to section 306, \$2,790,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$29,982,000, which shall be transferred to and merged with the appropriation for "Salaries and Expenses."

#### RURAL TELEPHONE BANK PROGRAM ACCOUNT

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1997 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be \$175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), \$2,328,000.

In addition, for administrative expenses necessary to carry out the loan programs, \$3,500,000.

#### DISTANCE LEARNING AND MEDICAL LINK PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., as amended, \$9,000,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: *Provided*, That the costs of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

#### RURAL UTILITIES ASSISTANCE PROGRAM

##### (INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1928, and 1932, except for 381E, 381H, 381N of the Consolidated Farm and Rural Development Act, \$566,935,000, to remain available until expended, for direct loans and loan guarantees and grants for rural water and waste disposal, and solid waste management grants of the Rural Utilities Service: *Provided*, That the cost of direct loans and loan guarantees shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That the amounts appropriated shall be transferred to loan program and grant accounts as determined by the Secretary: *Provided further*, That, through June 30, 1997, of the total amount appropriated, \$18,700,000 shall be available for the costs of direct loans, loan guarantees, and grants to be made available for empowerment zones and enterprise communities, as authorized by Public Law 103-66: *Provided further*, That, of the total amount appropriated, not to exceed \$18,700,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of the Consolidated Farm and Rural Development Act, as amended: *Provided further*, That, of the total amount appropriated, not to exceed \$5,200,000 shall be available for contracting with qualified national organizations for a circuit rider program

to provide technical assistance for rural water systems: *Provided further*, That an amount not less than that available in fiscal year 1996 be set aside and made available for ongoing technical assistance under sections 306(a)(14) (7 U.S.C. 1926) and 310(B)(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932): *Provided further*, That of the total amount appropriated, not to exceed \$8,750,000 shall be for water and waste disposal systems pursuant to section 757 of Public Law 104-127: *Provided further*, That notwithstanding section 306(a)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(7)), the town of Berlin, New Hampshire, shall be eligible during fiscal year 1997 for a grant under the rural utilities assistance program.

#### SALARIES AND EXPENSES

For necessary expenses of the Rural Utilities Service, including administering the programs authorized by the Rural Electrification Act of 1936, as amended, and the Consolidated Farm and Rural Development Act, as amended, and cooperative agreements, \$33,195,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed \$105,000 may be used for employment under 5 U.S.C. 3109.

### TITLE IV

#### DOMESTIC FOOD PROGRAMS

##### OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Consumer Service, \$454,000.

##### CHILD NUTRITION PROGRAMS

##### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751-1769b), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1772-1785, and 1789); except sections 17 and 19; \$8,653,297,000, to remain available through September 30, 1998, of which \$3,219,544,000 is hereby appropriated and \$5,433,753,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That not to exceed \$1,000,000 of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That up to \$4,031,000 shall be available for independent verification of school food service claims.

##### SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$3,729,807,000, to remain available through September 30, 1998: *Provided*, That none of the funds

made available under this heading may be used to begin more than two studies and evaluations: *Provided further*, That up to \$6,750,000 may be used to carry out the farmers' market nutrition program from any funds not needed to maintain current caseload levels: *Provided further*, That once the amount for fiscal year 1996 carryover funds has been determined by the Secretary, any funds in excess of \$100,000,000 may be transferred by the Secretary of Agriculture to the Rural Utilities Assistance Program and/or to the Rural Housing Insurance Fund for the cost of direct section 502 loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786): *Provided further*, That State agencies required to procure infant formula using a competitive bidding system may use funds appropriated by this Act to purchase infant formula under a cost containment contract entered into after September 30, 1996 only if the contract was awarded to the bidder offering the lowest net price, as defined by section 17(b)(20) of the Child Nutrition Act of 1966, unless the State agency demonstrates to the satisfaction of the Secretary that the weighted average retail price for different brands of infant formula in the State does not vary by more than five percent.

#### FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), \$27,618,029,000: *Provided*, That funds provided herein shall remain available through September 30, 1997, in accordance with section 18(a) of the Food Stamp Act: *Provided further*, That \$100,000,000 of the foregoing amount shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That not to exceed \$3,000,000 of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That \$1,174,000,000 of the foregoing amount shall be available for nutrition assistance for Puerto Rico as authorized by 7 U.S.C. 2028.

#### COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), the Emergency Food Assistance Act of 1983, as amended, and section 110 of the Hunger Prevention Act of 1988, \$166,000,000, to remain available through September 30, 1998: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

## FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), \$141,250,000, to remain available through September 30, 1998.

## FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, \$106,128,000, of which \$5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$150,000 shall be available for employment under 5 U.S.C. 3109.

## TITLE V

## FOREIGN ASSISTANCE AND RELATED PROGRAMS

## FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

## (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$135,561,000, of which \$3,231,000 may be transferred from the Export Loan Program account in this Act, and \$1,035,000 may be transferred from the Public Law 480 program account in this Act: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

## PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

## (INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701-1715, 1721-1726, 1727-1727f, 1731-1736g), as follows: (1) \$226,900,000 for Public Law 480 title I credit, including Food for Progress programs; (2)

\$13,905,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985, as amended; (3) \$837,000,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) \$29,500,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act: *Provided*, That not to exceed 15 percent of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: *Provided further*, That such sums shall remain available until expended (7 U.S.C. 2209b).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit agreements under said Act, \$185,589,000.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 480 are utilized, \$1,780,000.

#### COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

##### (INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$3,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which not to exceed \$3,231,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Foreign Agricultural Service, and of which not to exceed \$589,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Farm Service Agency.

##### EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than \$5,500,000,000 in credit guarantees under its export credit guarantee program extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 202 (a) and (b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

## TITLE VI

RELATED AGENCIES AND FOOD AND DRUG  
ADMINISTRATION

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## FOOD AND DRUG ADMINISTRATION

## SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; \$907,499,000, of which not to exceed \$87,528,000 in fees pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act may be credited to this appropriation and remain available until expended: *Provided*, That fees derived from applications received during fiscal year 1997 shall be subject to the fiscal year 1997 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701.

In addition, fees pursuant to section 354 of the Public Health Service Act may be credited to this account, to remain available until expended.

In addition, fees pursuant to section 801 of the Federal Food, Drug, and Cosmetic Act may be credited to this account, to remain available until expended.

## GENERAL PROVISIONS

## SEC. 601. EFFECTIVE MEDICATION GUIDES.—

21 USC 353 note.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Department of Health and Human Services shall request that national organizations representing health care professionals, consumer organizations, voluntary health agencies, the pharmaceutical industry, drug wholesalers, patient drug information database companies, and other relevant parties collaborate to develop a long-range comprehensive action plan to achieve goals consistent with the goals of the proposed rule of the Food and Drug Administration on "Prescription Drug Product Labeling: Medication Guide Requirements" (60 Fed. Reg. 44182; relating to the provision of oral and written prescription information to consumers).

(b) GOALS.—Goals consistent with the proposed rule described in subsection (a) are the distribution of useful written information to 75 percent of individuals receiving new prescriptions by the year 2000 and to 95 percent by the year 2006.

(c) PLAN.—The plan described in subsection (a) shall—

- (1) identify the plan goals;
- (2) assess the effectiveness of the current private-sector approaches used to provide oral and written prescription information to consumers;

## Guidelines.

(3) develop guidelines for providing effective oral and written prescription information consistent with the findings of any such assessment;

(4) contain elements necessary to ensure the transmittal of useful information to the consuming public, including being scientifically accurate, non-promotional in tone and content, sufficiently specific and comprehensive as to adequately inform consumers about the use of the product, and in an understandable, legible format that is readily comprehensible and not confusing to consumers expected to use the product.

(5) develop a mechanism to assess periodically the quality of the oral and written prescription information and the frequency with which the information is provided to consumers; and

(6) provide for compliance with relevant State board regulations.

(d) **LIMITATION ON THE AUTHORITY OF THE SECRETARY.**—The Secretary of the Department of Health and Human Services shall have no authority to implement the proposed rule described in subsection (a), or to develop any similar regulation, policy statement, or other guideline specifying a uniform content or format for written information voluntarily provided to consumers about prescription drugs if, (1) not later than 120 days after the date of enactment of this Act, the national organizations described in subsection (a) develop and submit to the Secretary for Health and Human Services a comprehensive, long-range action plan (as described in subsection (a)) which shall be acceptable to the Secretary of Health and Human Services; (2) the aforementioned plan is submitted to the Secretary of Health and Human Services for review and acceptance: *Provided*, That the Secretary shall give due consideration to the submitted plan and that any such acceptance shall not be arbitrarily withheld; and (3) the implementation of (a) a plan accepted by the Secretary commences within 30 days of the Secretary's acceptance of such plan, or (b) the plan submitted to the Secretary commences within 60 days of the submission of such plan if the Secretary fails to take any action on the plan within 30 days of the submission of the plan. The Secretary shall accept, reject or suggest modifications to the plan submitted within 30 days of its submission. The Secretary may confer with and assist private parties in the development of the plan described in subsections (a) and (b).

(e) **SECRETARY REVIEW.**—Not later than January 1, 2001, the Secretary of the Department of Health and Human Services shall review the status of private-sector initiatives designed to achieve the goals of the plan described in subsection (a), and if such goals are not achieved, the limitation in subsection (d) shall not apply, and the Secretary shall seek public comment on other initiatives that may be carried out to meet such goals.

**SEC. 602.** Section 3 of the Saccharin Study and Labeling Act (21 U.S.C 348 note) is amended by striking out "May 1, 1997" and inserting in lieu thereof "May 1, 2002".

**SEC. 603. AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.**—

(a) **IMPORTS FOR EXPORT.**—Section 801(d)(3) of the Federal Food, Drug, and Cosmetic Act is amended—

(1) by striking “accessory of a device which is ready” and inserting “accessory of a device, or other article of device requiring further processing, which is ready”;

(2) in subparagraph (A), by striking “is intended to be” and inserting “is intended to be further processed by the initial owner or consignee, or”; and

(3) in subparagraph (C)—

(A) by striking “part,” and inserting “part, article,”; and

(B) by striking “incorporated” and inserting “incorporated or further processed”.

(b) LABELING OF EXPORTED DRUGS.—Section 801(f) of the Federal Food, Drug, and Cosmetic Act is amended—

21 USC 381.

(1) in paragraph (1), by striking “If a drug” and inserting “If a drug (other than insulin, an antibiotic drug, an animal drug, or a drug exported under section 802)”;

(2) in paragraph (2), by adding at the end the following new sentence: “A drug exported under section 802 is exempt from this section.”.

(c) EXPORT OF CERTAIN UNAPPROVED DRUGS AND DEVICES.—Section 802(f)(5) of the Federal Food, Drug, and Cosmetic Act is amended by striking “if the drug or device is not labeled” and inserting “if the labeling of the drug or device is not”.

21 USC 382.

#### BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$21,350,000, to remain available until expended (7 U.S.C. 2209b).

#### RENTAL PAYMENTS (FDA)

##### (INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act, \$46,294,000: *Provided*, That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 5 percent of the funds made available for rental payments (FDA) to or from this account.

#### DEPARTMENT OF THE TREASURY

##### FINANCIAL MANAGEMENT SERVICE

##### PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial

Assistance Corporation on obligations issued through 1994, as authorized \$10,290,000.

## INDEPENDENT AGENCIES

### COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed \$25,000 for employment under 5 U.S.C. 3109; \$55,101,000, including not to exceed \$1,000 for official reception and representation expenses: *Provided*, That the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation.

### FARM CREDIT ADMINISTRATION

#### LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$37,478,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

## TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1997 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 667 passenger motor vehicles, of which 643 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefore as authorized by law (5 U.S.C. 5901-5902).

7 USC 1623a.

SEC. 703. Not less than \$1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946, and July 28, 1954 (7 U.S.C. 427, 1621-1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 704. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed \$2,000,000: *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

7 USC 2209b.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended (7 U.S.C. 2209b): Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit

fly program, and integrated systems acquisition project; Farm Service Agency, salaries and expenses funds made available to county committees; and Foreign Agricultural Service, middle-income country training program.

New obligational authority for the boll weevil program; up to 10 percent of the screwworm program of the Animal and Plant Health Inspection Service; Food Safety and Inspection Service, field automation and information management project; funds appropriated for rental payments; funds for the Native American institutions endowment fund in the Cooperative State Research, Education, and Extension Service, and funds for the competitive research grants (7 U.S.C. 450i(b)), shall remain available until expended.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed \$50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94-449.

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

7 USC 612c note.

SEC. 710. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1996 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 711. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 712. With the exception of grants awarded under the Small Business Innovation Development Act of 1982, Public Law 97-219, as amended (15 U.S.C. 638), none of the funds in this Act shall be available to pay indirect costs on research grants

awarded competitively by the Cooperative State Research, Education, and Extension Service that exceed 14 percent of total Federal funds provided under each award.

SEC. 713. Notwithstanding any other provisions of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 714. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 1997 shall remain available until expended to cover obligations made in fiscal year 1997 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; and the rural economic development loans program account.

SEC. 715. Such sums as may be necessary for fiscal year 1997 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 716. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 717. Notwithstanding the Federal Grant and Cooperative Agreement Act, marketing services of the Agricultural Marketing Service and the Animal and Plant Health Inspection Service may use cooperative agreements to reflect a relationship between Agricultural Marketing Service or the Animal and Plant Health Inspection Service and a State or Cooperator to carry out agricultural marketing programs or to carry out programs to protect the Nation's animal and plant resources.

SEC. 718. None of the funds in this Act may be used to retire more than 5% of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting

records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 719. None of the funds appropriated or otherwise made available by this Act may be used to provide food stamp benefits to households whose benefits are calculated using a standard deduction greater than the standard deduction in effect for fiscal year 1995.

SEC. 720. None of the funds made available in this Act may be used to provide assistance to, or to pay the salaries of personnel who carry out a market promotion/market access program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) that provides assistance to the United States Mink Export Development Council or any mink industry trade association.

SEC. 721. None of the funds appropriated or otherwise made available by this Act, or made available through the Commodity Credit Corporation, shall be used to enroll in excess of 130,000 acres in the fiscal year 1997 wetlands reserve program, as authorized by section 3837 of title 16, United States Code: *Provided*, That additional acreage may be enrolled in the program to the extent that non-Federal funds available to the Secretary are used to fully compensate for the cost of additional enrollments: *Provided further*, That the condition on enrollments provided in section 1237(b)(2)(B) of the Food Security Act of 1985, as amended (16 U.S.C. 3837(b)(2)(B)) shall be deemed met upon the enrollment of 43,333 acres through the use of temporary easements: *Provided further*, That the Secretary shall not enroll acres in the wetlands reserve program through the use of new permanent easements in fiscal year 1998 until the Secretary has enrolled at least 31,667 acres in the program through the use of temporary easements.

SEC. 722. Of the funds made available by this Act, not more than \$1,000,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 723. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an export enhancement program if the aggregate amount of funds and/or commodities under such program exceeds \$100,000,000.

SEC. 724. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out a farmland protection program in excess of \$2,000,000 authorized by section 388 of Public Law 104-127.

SEC. 725. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out a conservation farm option program in excess of \$2,000,000 authorized by section 335 of Public Law 104-127.

SEC. 726. None of the funds made available in this Act may be used to pay the salaries of employees of the Department of Agriculture who make payments pursuant to a production flexibility contract entered into under section 111 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127; 7 U.S.C. 7211) when it is made known to the Federal official having authority to obligate or expend such funds that the land covered by that production flexibility contract is not being used for the production of an agricultural commodity or is not devoted to a conserving use, unless it is also made known to that Federal official that the lack of agricultural production or the lack of a conserving use is a consequence of drought, flood, or other natural disaster.

SEC. 727. None of the funds appropriated or otherwise made available by this Act shall be used to extend any existing or expiring contract in the Conservation Reserve Program authorized by 16 U.S.C. 3831-3845.

SEC. 728. None of the funds appropriated in this Act may be used to carry out the provisions of section 918 of Public Law 104-127, the Federal Agriculture Improvement and Reform Act.

7 USC 2272a.

SEC. 729. Hereafter, funds appropriated to the Department of Agriculture may be used for incidental expenses such as transportation, uniforms, lodging, and subsistence for volunteers serving under the authority of 7 U.S.C. 2272, when such volunteers are engaged in the work of the United States Department of Agriculture; and for promotional items of nominal value relating to the United States Department of Agriculture Volunteer Programs.

SEC. 730. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

Ante, p. 1125.

SEC. 731. Section 747 of the Federal Agriculture Improvement and Reform Act of 1996 is amended by inserting, "effective October 1, 1996," following "The Secretary shall make grants" in section 310B(e)(2) of the Consolidated Farm and Rural Development Act: *Provided*, That this section shall take effect upon enactment of this Act into law.

Effective date.

SEC. 732. LABELING OF RAW POULTRY PRODUCTS.—

(a) IN GENERAL.—Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be used to implement or enforce the final rule related to the labeling of raw poultry products promulgated by the Food Safety and Inspection Service on August 25, 1995 (60 Fed. Reg. 44395), and the final rule shall not be effective during fiscal year 1997.

(b) FINAL RULE.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall issue a revised final rule related to the labeling of raw poultry products that—

(1) maintains the standard that the term "fresh" may be used only for raw poultry products the internal core temperature of which has not fallen below 26° Fahrenheit;

(2) deletes the requirement that poultry products the internal core temperature of which has ever been less than 26° Fahrenheit, but more than 0° Fahrenheit, be labeled as "hard chilled" or "previously hard chilled", except that—

(A) the products shall be prohibited under the rule from being labeled as “fresh” but shall not be required to bear any specific alternative labeling; and

(B) nothing in this section shall be interpreted as modifying the requirements for labeling of all poultry products the internal core temperature of which has ever fallen to 0° Fahrenheit as “frozen”;

(3) provides for a tolerance from the 26° Fahrenheit standard established by the rule of—

(A) 1° Fahrenheit for poultry products within an official processing establishment;

(B) 2° Fahrenheit for poultry products in commerce;

(4) exempts from temperature testing wings, tenders, hearts, livers, gizzards, necks, and products that undergo special processing, such as sliced poultry products; and

(5) in all other terms and conditions (including the period of time permitted for implementation) is substantively identical to the rule referred to in subsection (a).

(c) REVISED LABELING STANDARDS.—Not later than 60 days after the issuance of a revised final rule under subsection (b), the Secretary of Agriculture, acting through the Administrator of the Food Safety and Inspection Service, shall issue a compliance directive for the enforcement of the revised labeling standards established by the rule, including standards for—

(1) temperature testing that are based on measurements at the center of the deepest muscle; and

(2) sampling methods that ensure that the average of individual temperatures within poultry product lots of each specific product type (such as whole birds, whole muscle leg products, and whole muscle breast products) meet the standards.

(d) SEVERABILITY.—If any provision of this section or the application thereof to any person or circumstance is held invalid, the validity of the remainder of this section and of the application of the provision to any other persons or circumstances shall not be affected.

SEC. 733. Hereafter, notwithstanding any other provision of law, any domestic fish or fish product produced in compliance with food safety standards or procedures accepted by the Food and Drug Administration as satisfying the requirements of the “Procedures for the Safe and Sanitary Processing and Importing of Fish and Fish Products” (published by the Food and Drug Administration as a final regulation in the Federal Register of December 18, 1995), shall be deemed to have met any inspection requirements of the Department of Agriculture or other Federal agency for any Federal commodity purchase program, including the program authorized under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) except that the Department of Agriculture or other Federal agency may utilize lot inspection to establish a reasonable degree of certainty that fish or fish products purchased under a Federal commodity purchase program, including the program authorized under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), meet Federal product specifications.

SEC. 734. Rural Housing Program Extensions.—

(a) EXTENSION OF MULTIFAMILY RURAL HOUSING LOAN PROGRAM.—

21 USC 342 note.

(1) **AUTHORITY TO MAKE LOANS.**—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking “September 30, 1996” and inserting “September 30, 1997”.

(2) **SET-ASIDE FOR NONPROFIT ENTITIES.**—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking “fiscal year 1996” and inserting “fiscal year 1997”.

(b) **EXTENSION OF HOUSING IN UNDERSERVED AREAS PROGRAM.**—The first sentence of section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended by striking “fiscal year 1996” and inserting “fiscal year 1997”.

(c) **REFORMS FOR MULTIFAMILY RURAL HOUSING LOAN PROGRAM.**—

(1) **LIMITATION ON PROJECT TRANSFERS.**—Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by inserting after subsection (g) the following new subsection:

“(h) **PROJECT TRANSFERS.**—After the date of the enactment of the Act entitled ‘An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes’, the ownership or control of a project for which a loan is made or insured under this section may be transferred only if the Secretary determines that such transfer would further the provision of housing and related facilities for low-income families or persons and would be in the best interests of residents and the Federal Government.”.

(2) **EQUITY LOANS.**—Section 515(t) of the Housing Act of 1949 (42 U.S.C. 1485(t)) is amended—

(A) by striking paragraphs (4) and (5); and

(B) by redesignating paragraphs (6) through (8) as paragraphs (4) through (6), respectively.

(3) **EQUITY TAKEOUT LOANS TO EXTEND LOW-INCOME USE.**—

(A) **AUTHORITY AND LIMITATION.**—Section 502(c)(4)(B)(iv) of the Housing Act of 1949 (42 U.S.C. 1472(c)(4)(B)(iv)) is amended by inserting before the period at the end the following: “or under paragraphs (1) and (2) of section 514(j), except that an equity loan referred to in this clause may not be made available after the date of the enactment of the Act entitled ‘An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes’, unless the Secretary determines that the other incentives available under this subparagraph are not adequate to provide a fair return on the investment of the borrower, to prevent prepayment of the loan insured under section 514 or 515, or to prevent the displacement of tenants of the housing for which the loan was made”.

(B) **APPROVAL OF ASSISTANCE.**—Section 502(c)(4)(C) of the Housing Act of 1949 (42 U.S.C. 1472(c)(4)(C)) is amended by striking “(C)” and all that follows through “provided—” and inserting the following:

“(C) **APPROVAL OF ASSISTANCE.**—The Secretary may approve assistance under subparagraph (B) for assisted housing only if the restrictive period has expired for any loan for the housing made or insured under section 514 or 515 pursuant to a contract

entered into after December 21, 1979, but before the date of the enactment of the Department of Housing and Urban Development Reform Act of 1989, and the Secretary determines that the combination of assistance provided—”.

(C) TECHNICAL CORRECTION.—Section 515(c)(1) of the Housing Act of 1949 (42 U.S.C. 1485(c)(1)) is amended by striking “December 21, 1979” and inserting “December 15, 1989”.

(d) REFORM OF SECTION 515.—Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended—

(1) by striking subsection (r) and inserting the following:  
“(r)(1) the Secretary—

“(A) may require that the initial operating reserve under this section may be in the form of an irrevocable letter of credit; and

“(B) except as provided in paragraph (2), may require not more than a 3 percent contribution to equity, except that the Secretary shall require a 5 percent contribution in the case of a project that is allocated a low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986.

“(2) The Secretary may adjust the amount of equity contribution to ensure that assistance provided is not more than is necessary to provide affordable housing after taking account of assistance from all Federal, State, and local sources.

“(3) Not later than 60 days after the date of enactment of the Act entitled ‘An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes’, the Secretary shall issue regulations to implement subsection (r)(2) in accordance with the negotiated rule-making procedures set forth in subchapter III of chapter 5 of title 5, United States Code: *Provided*, That if the negotiated rule-making is not completed within the designated time, the Secretary shall proceed to promulgate regulations under the rulemaking authority contained in 5 U.S.C. 557.”; and

Regulations.

(2) by striking subsection (z).

(e) EQUITY SKIMMING PENALTIES.—

(1) INSURANCE OF LOANS FOR THE PROVISION OF HOUSING AND RELATED FACILITIES FOR DOMESTIC FARM LABOR.—Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by adding at the end the following new subsection:

“(j) EQUITY SKIMMING PENALTY.—Whoever, as an owner, agent, or manager, or who is otherwise in custody, control, or possession of property that is security for a loan made or insured under this section willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose other than to meet actual or necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined not more than \$250,000 or imprisoned not more than 5 years, or both.”.

(2) DIRECT AND INSURED LOANS TO PROVIDE HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES IN RURAL AREAS.—Section 515 of the Housing Act of 1949 (42 U.S.C. 1485), as amended by subsection (d)(2) of this section, is amended by adding at the end the following new subsection:

“(z) EQUITY SKIMMING PENALTY.—Whoever, as an owner, agent, or manager, or who is otherwise in custody, control, or possession of property that is security for a loan made or insured under this section willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other fund derived from such property, for any purpose other than to meet actual or necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined not more than \$250,000 or imprisoned not more than 5 years, or both.”

(f) PRIORITIZATION OF ASSISTANCE.—Section 532 of the Housing Act of 1949 (42 U.S.C. 1490l) is amended—

(1) in subsection (a), by striking “The Secretary” and inserting “Except as otherwise provided in subsection (c), the Secretary”; and

(2) by adding at the end the following new subsection: “(c) PRIORITIZATION OF SECTION 515 HOUSING ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall make assistance under section 515 available pursuant to an objective procedure established by the Secretary, under which the Secretary shall identify counties and communities having the greatest need for such assistance and designate such counties and communities to receive such assistance.

“(2) OBJECTIVE MEASURES.—The Secretary shall use the following objective measures to determine the need for rental housing assistance under paragraph (1):

“(A) The incidence of poverty.

“(B) The lack of affordable housing and the existence of substandard housing.

“(C) The lack of mortgage credit.

“(D) The rural characteristics of the location.

“(E) Other factors as determined by the Secretary, demonstrating the need for affordable housing.

“(3) INFORMATION.—In administering this subsection, the Secretary shall use information from the most recent decennial census of the United States, relevant comprehensive affordable housing strategies under section 105 of the Cranston-Gonzalez National Affordable Housing Act, and other reliable sources obtained by the Secretary which demonstrate the need for affordable housing in rural areas.

“(4) DESIGNATION.—A designation under this subsection shall not be effective for a period of more than 3 years, but may be renewed by the Secretary in accordance with the procedure set forth in this subsection. The Secretary shall take such other reasonable actions as the Secretary considers to be appropriate to notify the public of such designations.”

5 USC 5597 note.

SEC. 735. DEPARTMENT OF AGRICULTURE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(a) DEFINITIONS.—For the purposes of this section—

(1) the term “agency” means the Department of Agriculture;

(2) the term “employee” means an employee (as defined by section 2105 of title 5, United States Code) who is employed by the agency (or an individual employed by a county committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5))), is serving under an appointment without time limitation, and has been currently

employed for a continuous period of at least 3 years, but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A);

(C) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(D) an employee who, upon completing an additional period of service as referred to in section 3(b)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 5597 note), would qualify for a voluntary separation incentive payment under section 3 of such Act;

(E) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

(F) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(G) any employee who, during the twenty-four month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the twelve month period preceding the date of separation, received a retention allowance under section 5754 of title 5, United States Code.

(b) AGENCY STRATEGIC PLAN.—

(1) IN GENERAL.—The head of the agency, prior to obligating any resources for voluntary separation incentive payments, shall submit to the House and Senate Committees on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered; and

(C) a description of how the agency will operate without the eliminated positions and functions.

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by an agency to any employee only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code; or

(ii) an amount determined by the agency head not to exceed \$25,000 in fiscal year 1997, \$20,000 in fiscal year 1998, \$15,000 in fiscal year 1999, or \$10,000 in fiscal year 2000;

(D) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(E) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(3) LIMITATION.—No amount shall be payable under this section based on any separation occurring before the date of the enactment of this Act, or after September 30, 2000.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—For the purpose of paragraph (1), the term “final basic pay”, with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee’s final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual’s first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met. President.

(g) EFFECTIVE DATE.—This section shall take effect October 1, 1996.

SEC. 736. Interim Moratorium on Bypass Flows.—

(a) MORATORIUM.—Section 389(a) of Public Law 104-127 is amended by striking “an 18-month” after the word “be” and inserting “a 20-month”. Ante, p. 1021.

(b) REPORT.—Section 389(d)(4) of Public Law 104-127 is amended by striking “1 year” after the word “than” and inserting “14 months”.

(c) EXTENSION FOR DELAY.—Section 389 of Public Law 104-127 is amended by adding at the end the following new subsection—

“(e) EXTENSION FOR DELAY.—There shall be a day-for-day extension to the 20-month moratorium required by subsection (a) and a day-for-day extension to the report required by subsection (d)(4)—

“(1) for every day of delay in implementing or establishing the Water Rights Task Force caused by a failure to nominate Task Force members by the Administration or by the Congress; or

“(2) for every day of delay caused by a failure by the Secretary of Agriculture to identify adequate resources as determined by the Secretary of Agriculture to carry out the purposes of the Task Force.”.

# TITLE VIII—SUPPLEMENTAL APPROPRIATIONS AND RESCISSION FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996

## DEPARTMENT OF AGRICULTURE

### FARM SERVICE AGENCY

#### AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the Agricultural Credit Insurance Fund Program Account for the additional cost of emergency insured loans authorized by 7 U.S.C. 1928-1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, resulting from droughts in the Western United States, Hurricane Bertha, and other natural disasters, to remain available until expended, \$32,244,000: *Provided*, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans of \$110,000,000: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount shall be available to the extent that the President notifies Congress of his designation of any or all of these amounts as an emergency requirement under section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

President.

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", to be used in connection with investigations of arson or violence against religious institutions, \$12,011,000, to remain available until expended.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 104-52, \$16,500,000 are rescinded.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1997".

Approved August 6, 1996.

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LEGISLATIVE HISTORY—H.R. 3603:

HOUSE REPORTS: Nos. 104-613 (Comm. on Appropriations) and 104-726 (Comm. of Conference).

SENATE REPORTS: No. 104-317 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 142 (1996):

June 11, 12, considered and passed House.

July 22-24, considered and passed Senate, amended.

Aug. 1, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Aug. 6, Presidential statement.

Public Law 104-181  
104th Congress

Joint Resolution

Granting the consent of Congress to the Mutual Aid Agreement between the city of Bristol, Virginia, and the city of Bristol, Tennessee.

Aug. 6, 1996

[H.J. Res. 166]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. CONGRESSIONAL CONSENT.

The Congress consents to the Mutual Aid Agreement entered into between the city of Bristol, Virginia, and the city of Bristol, Tennessee. The agreement reads as follows:

"THIS MUTUAL AID AGREEMENT, made and entered into by and between the CITY OF BRISTOL VIRGINIA, a municipality incorporated under the laws of the Commonwealth of Virginia (hereinafter 'Bristol Virginia'); and the CITY OF BRISTOL TENNESSEE, a municipality incorporated under the laws of the State of Tennessee (hereinafter 'Bristol Tennessee').

"WITNESSETH:

"WHEREAS, Section 15.1-131 of the Code of Virginia and Sections 6-54-307 and 12-9-101 et seq. of the Tennessee Code Annotated authorize Bristol Virginia and Bristol Tennessee to enter into an agreement providing for mutual law enforcement assistance;

"WHEREAS, the two cities desire to avail themselves of the authority conferred by these respective laws;

"WHEREAS, it is the intention of the two cities to enter into mutual assistance commitments with a pre-determined plan by which each city might render aid to the other in case of need, or in case of an emergency which demands law enforcement services to a degree beyond the existing capabilities of either city; and,

"WHEREAS, it is in the public interest of each city to enter into an agreement for mutual assistance in law enforcement to assure adequate protection for each city.

"NOW, THEREFORE, for and in consideration of the mutual promises and the benefits to be derived therefrom, the City of Bristol Virginia and the City of Bristol Tennessee agree as follows:

"1. Each city will respond to calls for law enforcement assistance by the other city only upon request for such assistance made by the senior law enforcement officer on duty for the requesting city, or his designee, in accordance with the terms of this Agreement. All requests for law enforcement assistance shall be directed to the senior law enforcement officer on duty for the city from which aid is requested.

"2. Upon request for law enforcement assistance as provided in Paragraph 1, the senior law enforcement officer on duty in the responding city will authorize a response as follows:

"a. The responding city will attempt to provide at least the following personnel and equipment in response to the request:

"(1) A minimum response of one vehicle and one person.

"(2) A maximum response of fifty percent (50%) of available personnel and resources.

"b. The response will be determined by the severity of the circumstances in the requesting city which prompted such request as determined by the senior law enforcement officer on duty in the responding city after discussion with the senior law enforcement officer on duty in the requesting city. Any decision reached by such senior officer of the responding city as to such response shall be final.

"c. If an emergency exists in the responding city at the time the request is made, or if such an emergency occurs during the course of responding to a request under this Agreement, and if the senior law enforcement officer on duty in the responding city reasonably determines, after a consideration of the severity of the emergency in his jurisdiction, that the responding city cannot comply with the minimal requirements under this Agreement without endangering life or incurring significant property damage in his city, or both, he may choose to use all equipment and personnel in his own jurisdiction. In such event, such officer of the responding city shall immediately attempt to inform the senior law enforcement officer on duty in the requesting city of his decision.

"3. The city which requests mutual aid under this Agreement shall not be deemed liable or responsible for the equipment and other personal property of personnel of the responding city which might be lost, stolen or damaged during the course of responding under the terms of this Agreement.

"4. The city responding to a request for mutual aid under this Agreement assumes all liabilities and responsibility as between the two cities for damage to its own equipment and other personal property. The responding city also assumes all liability and responsibility, as between the two cities, for any damage caused by its own equipment and/or the negligence of its personnel occurring outside the jurisdiction of the requesting city while en route thereto pursuant to a request for assistance under this Agreement, or while returning therefrom.

"5. The city responding under this Agreement assumes no responsibility or liability for damage to property or injury to any person that may occur due to actions taken in responding under this Agreement; all such liability and responsibility shall rest solely with the city requesting such aid and within which boundaries the property exists or the incident occurs, and the requesting party hereby assumes all of such liability and responsibility.

"6. Each city hereby waives any and all claims against the other city which may arise out of their activities in the other city's jurisdiction under this Agreement. To the extent permitted by law, the city requesting assistance under this

Agreement shall indemnify and hold harmless the responding city (and its officers, agents and employees) from any and all claims by third parties for property damage or personal injury which may arise out of the activities of the responding city within the jurisdiction of the requesting city under this Agreement.

"7. The city responding to a request for assistance under this Agreement assumes no responsibility or liability for damage to property or injury to any person that may occur within the jurisdiction of the requesting city due to actions taken in responding under this Agreement. In accordance with Section 15.1-131 of the Code of Virginia and Section 29-20-107(f) of the Tennessee Code Annotated, all personnel of the responding city shall, during such time as they providing assistance in the requesting city under this Agreement, be deemed to be employees of the requesting city for tort liability purposes.

"8. No compensation will be due or paid by either city for mutual aid law enforcement assistance rendered under this Agreement.

"9. Except as provided in Paragraph 7 of this Agreement, neither city will make any claim for compensation against the other city for any loss, damage or personal injury which may occur as a result of law enforcement assistance rendered under this Agreement, and all such rights or claims are hereby expressly waived.

"10. When law enforcement assistance is rendered under this Agreement, the senior law enforcement officer on duty in the requesting city shall in all instances be in command as to strategy, tactics and overall direction of the operations. All orders or directions regarding the operations of the responding party shall be relayed to the senior law enforcement officer in command of the responding city.

"11. Either city may terminate this Agreement upon sixty (60) days' written notice to the other city.

"12. This Agreement shall take effect upon its execution by the Mayor and Chief of Police for each city after approval of the City Council of each city, and upon its approval by the Congress of the United States as provided in Section 15.1-131 of the Code of Virginia. Each city will promptly submit this Agreement to its respective Congressman and Senators for submission to the Congress."

Effective date.

## **SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.**

The right to alter, amend, or repeal this joint resolution is hereby expressly reserved by the Congress. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the agreement.

**SEC. 3. CONSTRUCTION AND SEVERABILITY.**

It is intended that the provisions of this agreement shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this agreement, or legislation enabling the agreement, is held invalid, the remainder of the agreement or its application to other situations or persons shall not be affected.

Approved August 6, 1996.

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**LEGISLATIVE HISTORY—H.J. Res. 166:**

HOUSE REPORTS: No. 104-705 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 142 (1996):

July 29, considered and passed House.

July 31, considered and passed Senate.

Public Law 104-182  
104th Congress

An Act

To reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes.

Aug. 6, 1996

[S. 1316]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Safe Drinking Water Act Amendments of 1996".

(b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. References; effective date; disclaimer.
- Sec. 3. Findings.

Safe Drinking  
Water Act  
Amendments of  
1996.  
Inter-  
governmental  
relations.  
Environmental  
protection.  
42 USC 201 note.

TITLE I—AMENDMENTS TO SAFE DRINKING WATER ACT

- Sec. 101. Definitions.
- Sec. 102. General authority.
- Sec. 103. Risk assessment, management, and communication.
- Sec. 104. Standard-setting.
- Sec. 105. Treatment technologies for small systems.
- Sec. 106. Limited alternative to filtration.
- Sec. 107. Ground water disinfection.
- Sec. 108. Effective date for regulations.
- Sec. 109. Arsenic, sulfate, and radon.
- Sec. 110. Recycling of filter backwash.
- Sec. 111. Technology and treatment techniques.
- Sec. 112. State primacy.
- Sec. 113. Enforcement; judicial review.
- Sec. 114. Public notification.
- Sec. 115. Variances.
- Sec. 116. Small systems variances.
- Sec. 117. Exemptions.
- Sec. 118. Lead plumbing and pipes.
- Sec. 119. Capacity development.
- Sec. 120. Authorization of appropriations for certain ground water programs.
- Sec. 121. Amendments to section 1442.
- Sec. 122. Technical assistance.
- Sec. 123. Operator certification.
- Sec. 124. Public water system supervision program.
- Sec. 125. Monitoring and information gathering.
- Sec. 126. Occurrence data base.
- Sec. 127. Drinking Water Advisory Council.
- Sec. 128. New York City watershed protection program.
- Sec. 129. Federal agencies.
- Sec. 130. State revolving loan funds.
- Sec. 131. State ground water protection grants.
- Sec. 132. Source water assessment.
- Sec. 133. Source water petition program.
- Sec. 134. Water conservation plan.
- Sec. 135. Drinking water assistance to colonias.
- Sec. 136. Estrogenic substances screening program.
- Sec. 137. Drinking water studies.

TITLE II—DRINKING WATER RESEARCH

- Sec. 201. Drinking water research authorization.

- Sec. 202. Scientific research review.  
 Sec. 203. National center for ground water research.

## TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Water return flows.  
 Sec. 302. Transfer of funds.  
 Sec. 303. Grants to Alaska to improve sanitation in rural and Native villages.  
 Sec. 304. Sense of the Congress.  
 Sec. 305. Bottled drinking water standards.  
 Sec. 306. Washington Aqueduct.  
 Sec. 307. Wastewater assistance to colonias.  
 Sec. 308. Prevention and control of zebra mussel infestation of Lake Champlain.

## TITLE IV—ADDITIONAL ASSISTANCE FOR WATER INFRASTRUCTURE AND WATERSHEDS

- Sec. 401. National program.

## TITLE V—CLERICAL AMENDMENTS

- Sec. 501. Clerical amendments.

**SEC. 2. REFERENCES; EFFECTIVE DATE; DISCLAIMER.**

(a) **REFERENCES TO SAFE DRINKING WATER ACT.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of title XIV of the Public Health Service Act (commonly known as the “Safe Drinking Water Act”) (42 U.S.C. 300f et seq.).

42 USC 300f  
note.

(b) **EFFECTIVE DATE.**—Except as otherwise specified in this Act or in the amendments made by this Act, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

42 USC 300f  
note.

(c) **DISCLAIMER.**—Except for the provisions of section 302 (relating to transfers of funds), nothing in this Act or in any amendments made by this Act to title XIV of the Public Health Service Act (commonly known as the “Safe Drinking Water Act”) or any other law shall be construed by the Administrator of the Environmental Protection Agency or the courts as affecting, modifying, expanding, changing, or altering—

(1) the provisions of the Federal Water Pollution Control Act;

(2) the duties and responsibilities of the Administrator under that Act; or

(3) the regulation or control of point or nonpoint sources of pollution discharged into waters covered by that Act.

The Administrator shall identify in the agency's annual budget all funding and full-time equivalents administering such title XIV separately from funding and staffing for the Federal Water Pollution Control Act.

42 USC 300f  
note.

**SEC. 3. FINDINGS.**

The Congress finds that—

(1) safe drinking water is essential to the protection of public health;

(2) because the requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.) now exceed the financial and technical capacity of some public water systems, especially many small public water systems, the Federal Government needs to provide assistance to communities to help the communities meet Federal drinking water requirements;

(3) the Federal Government commits to maintaining and improving its partnership with the States in the administration and implementation of the Safe Drinking Water Act;

(4) States play a central role in the implementation of safe drinking water programs, and States need increased financial resources and appropriate flexibility to ensure the prompt and effective development and implementation of drinking water programs;

(5) the existing process for the assessment and selection of additional drinking water contaminants needs to be revised and improved to ensure that there is a sound scientific basis for setting priorities in establishing drinking water regulations;

(6) procedures for assessing the health effects of contaminants establishing drinking water standards should be revised to provide greater opportunity for public education and participation;

(7) in considering the appropriate level of regulation for contaminants in drinking water, risk assessment, based on sound and objective science, and benefit-cost analysis are important analytical tools for improving the efficiency and effectiveness of drinking water regulations to protect human health;

(8) more effective protection of public health requires—

(A) a Federal commitment to set priorities that will allow scarce Federal, State, and local resources to be targeted toward the drinking water problems of greatest public health concern;

(B) maximizing the value of the different and complementary strengths and responsibilities of the Federal and State governments in those States that have primary enforcement responsibility for the Safe Drinking Water Act; and

(C) prevention of drinking water contamination through well-trained system operators, water systems with adequate managerial, technical, and financial capacity, and enhanced protection of source waters of public water systems;

(9) compliance with the requirements of the Safe Drinking Water Act continues to be a concern at public water systems experiencing technical and financial limitations, and Federal, State, and local governments need more resources and more effective authority to attain the objectives of the Safe Drinking Water Act; and

(10) consumers served by public water systems should be provided with information on the source of the water they are drinking and its quality and safety, as well as prompt notification of any violation of drinking water regulations.

## **TITLE I—AMENDMENTS TO SAFE DRINKING WATER ACT**

### **SEC. 101. DEFINITIONS.**

(a) IN GENERAL.—Section 1401 (42 U.S.C. 300f) is amended as follows:

(1) In paragraph (1)—

(A) in subparagraph (D), by inserting “accepted methods for” before “quality control”; and

Federal Register,  
publication.

(B) by adding at the end the following: "At any time after promulgation of a regulation referred to in this paragraph, the Administrator may add equally effective quality control and testing procedures by guidance published in the Federal Register. Such procedures shall be treated as an alternative for public water systems to the quality control and testing procedures listed in the regulation."

(2) In paragraph (13)—

(A) by striking "The" and inserting "(A) Except as provided in subparagraph (B), the"; and

(B) by adding at the end the following:

"(B) For purposes of section 1452, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico."

(3) In paragraph (14), by adding at the end the following: "For purposes of section 1452, the term includes any Native village (as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)))."

(4) By adding at the end the following:

"(15) COMMUNITY WATER SYSTEM.—The term 'community water system' means a public water system that—

"(A) serves at least 15 service connections used by year-round residents of the area served by the system; or

"(B) regularly serves at least 25 year-round residents."

"(16) NONCOMMUNITY WATER SYSTEM.—The term 'non-community water system' means a public water system that is not a community water system."

(b) PUBLIC WATER SYSTEM.—

(1) IN GENERAL.—Section 1401(4) (42 U.S.C. 300f(4)) is amended as follows:

(A) In the first sentence, by striking "piped water for human consumption" and inserting "water for human consumption through pipes or other constructed conveyances".

(B) By redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively.

(C) By striking "(4) The" and inserting the following:

"(4) PUBLIC WATER SYSTEM.—

"(A) IN GENERAL.—The"; and

(D) by adding at the end the following:

"(B) CONNECTIONS.—

"(i) IN GENERAL.—For purposes of subparagraph (A), a connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection, if—

"(I) the water is used exclusively for purposes other than residential uses (consisting of drinking, bathing, and cooking, or other similar uses);

"(II) the Administrator or the State (in the case of a State exercising primary enforcement responsibility for public water systems) determines that alternative water to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulation is provided for residential or similar uses for drinking and cooking; or

“(III) the Administrator or the State (in the case of a State exercising primary enforcement responsibility for public water systems) determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

“(ii) IRRIGATION DISTRICTS.—An irrigation district in existence prior to May 18, 1994, that provides primarily agricultural service through a piped water system with only incidental residential or similar use shall not be considered to be a public water system if the system or the residential or similar users of the system comply with subclause (II) or (III) of clause (i).

“(C) TRANSITION PERIOD.—A water supplier that would be a public water system only as a result of modifications made to this paragraph by the Safe Drinking Water Act Amendments of 1996 shall not be considered a public water system for purposes of the Act until the date that is two years after the date of enactment of this subparagraph. If a water supplier does not serve 15 service connections (as defined in subparagraphs (A) and (B)) or 25 people at any time after the conclusion of the 2-year period, the water supplier shall not be considered a public water system.”

(2) GAO STUDY.—The Comptroller General of the United States shall undertake a study to—

42 USC 300f  
note.

(A) ascertain the numbers and locations of individuals and households relying for their residential water needs, including drinking, bathing, and cooking (or other similar uses) on irrigation water systems, mining water systems, industrial water systems, or other water systems covered by section 1401(4)(B) of the Safe Drinking Water Act that are not public water systems subject to the Safe Drinking Water Act;

(B) determine the sources and costs and affordability (to users and systems) of water used by such populations for their residential water needs; and

(C) review State and water system compliance with the exclusion provisions of section 1401(4)(B) of such Act. The Comptroller General shall submit a report to the Congress within 3 years after the date of enactment of this Act containing the results of such study.

Reports.

#### SEC. 102. GENERAL AUTHORITY.

(a) STANDARDS.—Section 1412(b) (42 U.S.C. 300g-1(b)) is amended by striking “(b)(1)” and all that follows through the end of paragraph (3) and inserting the following:

“(b) STANDARDS.—

“(1) IDENTIFICATION OF CONTAMINANTS FOR LISTING.—

“(A) GENERAL AUTHORITY.—The Administrator shall, in accordance with the procedures established by this subsection, publish a maximum contaminant level goal and

Publication.  
Regulations.

promulgate a national primary drinking water regulation for a contaminant (other than a contaminant referred to in paragraph (2) for which a national primary drinking water regulation has been promulgated as of the date of enactment of the Safe Drinking Water Act Amendments of 1996) if the Administrator determines that—

“(i) the contaminant may have an adverse effect on the health of persons;

“(ii) the contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern; and

“(iii) in the sole judgment of the Administrator, regulation of such contaminant presents a meaningful opportunity for health risk reduction for persons served by public water systems.

“(B) REGULATION OF UNREGULATED CONTAMINANTS.—

Publication.

“(i) LISTING OF CONTAMINANTS FOR CONSIDERATION.—(I) Not later than 18 months after the date of enactment of the Safe Drinking Water Act Amendments of 1996 and every 5 years thereafter, the Administrator, after consultation with the scientific community, including the Science Advisory Board, after notice and opportunity for public comment, and after considering the occurrence data base established under section 1445(g), shall publish a list of contaminants which, at the time of publication, are not subject to any proposed or promulgated national primary drinking water regulation, which are known or anticipated to occur in public water systems, and which may require regulation under this title.

“(II) The unregulated contaminants considered under subclause (I) shall include, but not be limited to, substances referred to in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and substances registered as pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act.

“(III) The Administrator’s decision whether or not to select an unregulated contaminant for a list under this clause shall not be subject to judicial review.

“(ii) DETERMINATION TO REGULATE.—(I) Not later than 5 years after the date of enactment of the Safe Drinking Water Act Amendments of 1996, and every 5 years thereafter, the Administrator shall, after notice of the preliminary determination and opportunity for public comment, for not fewer than 5 contaminants included on the list published under clause (i), make determinations of whether or not to regulate such contaminants.

“(II) A determination to regulate a contaminant shall be based on findings that the criteria of clauses (i), (ii), and (iii) of subparagraph (A) are satisfied. Such findings shall be based on the best available public health information, including the occurrence data base established under section 1445(g).

“(III) The Administrator may make a determination to regulate a contaminant that does not appear on a list under clause (i) if the determination to regulate is made pursuant to subclause (II).

“(IV) A determination under this clause not to regulate a contaminant shall be considered final agency action and subject to judicial review.

“(iii) REVIEW.—Each document setting forth the determination for a contaminant under clause (ii) shall be available for public comment at such time as the determination is published.

“(C) PRIORITIES.—In selecting unregulated contaminants for consideration under subparagraph (B), the Administrator shall select contaminants that present the greatest public health concern. The Administrator, in making such selection, shall take into consideration, among other factors of public health concern, the effect of such contaminants upon subgroups that comprise a meaningful portion of the general population (such as infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations) that are identifiable as being at greater risk of adverse health effects due to exposure to contaminants in drinking water than the general population.

“(D) URGENT THREATS TO PUBLIC HEALTH.—The Administrator may promulgate an interim national primary drinking water regulation for a contaminant without making a determination for the contaminant under paragraph (4)(C), or completing the analysis under paragraph (3)(C), to address an urgent threat to public health as determined by the Administrator after consultation with and written response to any comments provided by the Secretary of Health and Human Services, acting through the director of the Centers for Disease Control and Prevention or the director of the National Institutes of Health. A determination for any contaminant in accordance with paragraph (4)(C) subject to an interim regulation under this subparagraph shall be issued, and a completed analysis meeting the requirements of paragraph (3)(C) shall be published, not later than 3 years after the date on which the regulation is promulgated and the regulation shall be repromulgated, or revised if appropriate, not later than 5 years after that date.

Publication.

“(E) REGULATION.—For each contaminant that the Administrator determines to regulate under subparagraph (B), the Administrator shall publish maximum contaminant level goals and promulgate, by rule, national primary drinking water regulations under this subsection. The Administrator shall propose the maximum contaminant level goal and national primary drinking water regulation for a contaminant not later than 24 months after the determination to regulate under subparagraph (B), and may publish such proposed regulation concurrent with the determination to regulate. The Administrator shall publish a maximum contaminant level goal and promulgate a national primary drinking water regulation within 18 months after the proposal thereof. The Administrator, by notice in the

Publication.

Federal Register,  
publication.

Federal Register, may extend the deadline for such promulgation for up to 9 months.

“(F) HEALTH ADVISORIES AND OTHER ACTIONS.—The Administrator may publish health advisories (which are not regulations) or take other appropriate actions for contaminants not subject to any national primary drinking water regulation.

“(2) SCHEDULES AND DEADLINES.—

“(A) IN GENERAL.—In the case of the contaminants listed in the Advance Notice of Proposed Rulemaking published in volume 47, Federal Register, page 9352, and in volume 48, Federal Register, page 45502, the Administrator shall publish maximum contaminant level goals and promulgate national primary drinking water regulations—

“(i) not later than 1 year after June 19, 1986, for not fewer than 9 of the listed contaminants;

“(ii) not later than 2 years after June 19, 1986, for not fewer than 40 of the listed contaminants; and

“(iii) not later than 3 years after June 19, 1986, for the remainder of the listed contaminants.

“(B) SUBSTITUTION OF CONTAMINANTS.—If the Administrator identifies a drinking water contaminant the regulation of which, in the judgment of the Administrator, is more likely to be protective of public health (taking into account the schedule for regulation under subparagraph (A)) than a contaminant referred to in subparagraph (A), the Administrator may publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for the identified contaminant in lieu of regulating the contaminant referred to in subparagraph (A). Substitutions may be made for not more than 7 contaminants referred to in subparagraph (A). Regulation of a contaminant identified under this subparagraph shall be in accordance with the schedule applicable to the contaminant for which the substitution is made.

“(C) DISINFECTANTS AND DISINFECTION BYPRODUCTS.—The Administrator shall promulgate an Interim Enhanced Surface Water Treatment Rule, a Final Enhanced Surface Water Treatment Rule, a Stage I Disinfectants and Disinfection Byproducts Rule, and a Stage II Disinfectants and Disinfection Byproducts Rule in accordance with the schedule published in volume 59, Federal Register, page 6361 (February 10, 1994), in table III.13 of the proposed Information Collection Rule. If a delay occurs with respect to the promulgation of any rule in the schedule referred to in this subparagraph, all subsequent rules shall be completed as expeditiously as practicable but no later than a revised date that reflects the interval or intervals for the rules in the schedule.”

(b) APPLICABILITY OF PRIOR REQUIREMENTS.—The requirements of subparagraphs (C) and (D) of section 1412(b)(3) of the Safe Drinking Water Act as in effect before the date of enactment of this Act, and any obligation to promulgate regulations pursuant to such subparagraphs not promulgated as of the date of enactment of this Act, are superseded by the amendments made by subsection (a).

Publication.  
Regulations.

Rules.

42 USC 300g-1  
note.

(c) CONFORMING AMENDMENTS.—(1) Section 1415(d) (42 U.S.C. 300g-4(d)) is amended by striking “1412(b)(3)” and inserting “1412(b)”.

(2) Section 1412(a)(3) (42 U.S.C. 300g-1(a)(3)) is amended by striking “paragraph (1), (2), or (3) of” in each place it appears.

**SEC. 103. RISK ASSESSMENT, MANAGEMENT, AND COMMUNICATION.**

Section 1412(b) (42 U.S.C. 300g-1(b)) is amended by inserting after paragraph (2) the following:

“(3) RISK ASSESSMENT, MANAGEMENT, AND COMMUNICATION.—

“(A) USE OF SCIENCE IN DECISIONMAKING.—In carrying out this section, and, to the degree that an Agency action is based on science, the Administrator shall use—

“(i) the best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices; and

“(ii) data collected by accepted methods or best available methods (if the reliability of the method and the nature of the decision justifies use of the data).

“(B) PUBLIC INFORMATION.—In carrying out this section, the Administrator shall ensure that the presentation of information on public health effects is comprehensive, informative, and understandable. The Administrator shall, in a document made available to the public in support of a regulation promulgated under this section, specify, to the extent practicable—

“(i) each population addressed by any estimate of public health effects;

“(ii) the expected risk or central estimate of risk for the specific populations;

“(iii) each appropriate upper-bound or lower-bound estimate of risk;

“(iv) each significant uncertainty identified in the process of the assessment of public health effects and studies that would assist in resolving the uncertainty; and

“(v) peer-reviewed studies known to the Administrator that support, are directly relevant to, or fail to support any estimate of public health effects and the methodology used to reconcile inconsistencies in the scientific data.

“(C) HEALTH RISK REDUCTION AND COST ANALYSIS.—

“(i) MAXIMUM CONTAMINANT LEVELS.—When proposing any national primary drinking water regulation that includes a maximum contaminant level, the Administrator shall, with respect to a maximum contaminant level that is being considered in accordance with paragraph (4) and each alternative maximum contaminant level that is being considered pursuant to paragraph (5) or (6)(A), publish, seek public comment on, and use for the purposes of paragraphs (4), (5), and (6) an analysis of each of the following:

“(I) Quantifiable and nonquantifiable health risk reduction benefits for which there is a factual basis in the rulemaking record to conclude that

Publication.

such benefits are likely to occur as the result of treatment to comply with each level.

“(II) Quantifiable and nonquantifiable health risk reduction benefits for which there is a factual basis in the rulemaking record to conclude that such benefits are likely to occur from reductions in co-occurring contaminants that may be attributed solely to compliance with the maximum contaminant level, excluding benefits resulting from compliance with other proposed or promulgated regulations.

“(III) Quantifiable and nonquantifiable costs for which there is a factual basis in the rulemaking record to conclude that such costs are likely to occur solely as a result of compliance with the maximum contaminant level, including monitoring, treatment, and other costs and excluding costs resulting from compliance with other proposed or promulgated regulations.

“(IV) The incremental costs and benefits associated with each alternative maximum contaminant level considered.

“(V) The effects of the contaminant on the general population and on groups within the general population such as infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations that are identified as likely to be at greater risk of adverse health effects due to exposure to contaminants in drinking water than the general population.

“(VI) Any increased health risk that may occur as the result of compliance, including risks associated with co-occurring contaminants.

“(VII) Other relevant factors, including the quality and extent of the information, the uncertainties in the analysis supporting subclauses (I) through (VI), and factors with respect to the degree and nature of the risk.

Publication.

“(ii) TREATMENT TECHNIQUES.—When proposing a national primary drinking water regulation that includes a treatment technique in accordance with paragraph (7)(A), the Administrator shall publish and seek public comment on an analysis of the health risk reduction benefits and costs likely to be experienced as the result of compliance with the treatment technique and alternative treatment techniques that are being considered, taking into account, as appropriate, the factors described in clause (i).

“(iii) APPROACHES TO MEASURE AND VALUE BENEFITS.—The Administrator may identify valid approaches for the measurement and valuation of benefits under this subparagraph, including approaches to identify consumer willingness to pay for reductions in health risks from drinking water contaminants.

“(iv) AUTHORIZATION.—There are authorized to be appropriated to the Administrator, acting through the Office of Ground Water and Drinking Water, to conduct

studies, assessments, and analyses in support of regulations or the development of methods, \$35,000,000 for each of fiscal years 1996 through 2003.”.

#### SEC. 104. STANDARD-SETTING.

(a) IN GENERAL.—Section 1412(b) (42 U.S.C. 300g-1(b)) is amended as follows:

(1) In paragraph (4)—

(A) by striking “(4) Each” and inserting the following:

“(4) GOALS AND STANDARDS.—

“(A) MAXIMUM CONTAMINANT LEVEL GOALS.—Each”;

(B) in the last sentence—

(i) by striking “Each national” and inserting the following:

“(B) MAXIMUM CONTAMINANT LEVELS.— Except as provided in paragraphs (5) and (6), each national”; and

(ii) by striking “maximum level” and inserting “maximum contaminant level”; and

(C) by adding at the end the following:

“(C) DETERMINATION.—At the time the Administrator proposes a national primary drinking water regulation under this paragraph, the Administrator shall publish a determination as to whether the benefits of the maximum contaminant level justify, or do not justify, the costs based on the analysis conducted under paragraph (3)(C).”

(2) By striking “(5) For the” and inserting the following:

“(D) DEFINITION OF FEASIBLE.—For the”.

(3) In the second sentence of paragraph (4)(D) (as so designated), by striking “paragraph (4)” and inserting “this paragraph”.

(4) By striking “(6) Each national” and inserting the following:

“(E) FEASIBLE TECHNOLOGIES.—

“(i) IN GENERAL.—Each national”.

(5) In paragraph (4)(E)(i) (as so designated), by striking “this paragraph” and inserting “this subsection”.

(6) By inserting after paragraph (4) (as so amended) the following:

“(5) ADDITIONAL HEALTH RISK CONSIDERATIONS.—

“(A) IN GENERAL.—Notwithstanding paragraph (4), the Administrator may establish a maximum contaminant level for a contaminant at a level other than the feasible level, if the technology, treatment techniques, and other means used to determine the feasible level would result in an increase in the health risk from drinking water by—

“(i) increasing the concentration of other contaminants in drinking water; or

“(ii) interfering with the efficacy of drinking water treatment techniques or processes that are used to comply with other national primary drinking water regulations.

“(B) ESTABLISHMENT OF LEVEL.—If the Administrator establishes a maximum contaminant level or levels or requires the use of treatment techniques for any contaminant or contaminants pursuant to the authority of this paragraph—

Publication.

“(i) the level or levels or treatment techniques shall minimize the overall risk of adverse health effects by balancing the risk from the contaminant and the risk from other contaminants the concentrations of which may be affected by the use of a treatment technique or process that would be employed to attain the maximum contaminant level or levels; and

“(ii) the combination of technology, treatment techniques, or other means required to meet the level or levels shall not be more stringent than is feasible (as defined in paragraph (4)(D)).

“(6) ADDITIONAL HEALTH RISK REDUCTION AND COST CONSIDERATIONS.—

“(A) IN GENERAL.—Notwithstanding paragraph (4), if the Administrator determines based on an analysis conducted under paragraph (3)(C) that the benefits of a maximum contaminant level promulgated in accordance with paragraph (4) would not justify the costs of complying with the level, the Administrator may, after notice and opportunity for public comment, promulgate a maximum contaminant level for the contaminant that maximizes health risk reduction benefits at a cost that is justified by the benefits.

“(B) EXCEPTION.—The Administrator shall not use the authority of this paragraph to promulgate a maximum contaminant level for a contaminant, if the benefits of compliance with a national primary drinking water regulation for the contaminant that would be promulgated in accordance with paragraph (4) experienced by—

“(i) persons served by large public water systems; and

“(ii) persons served by such other systems as are unlikely, based on information provided by the States, to receive a variance under section 1415(e) (relating to small system variances);

would justify the costs to the systems of complying with the regulation. This subparagraph shall not apply if the contaminant is found almost exclusively in small systems eligible under section 1415(e) for a small system variance.

“(C) DISINFECTANTS AND DISINFECTION BYPRODUCTS.—The Administrator may not use the authority of this paragraph to establish a maximum contaminant level in a Stage I or Stage II national primary drinking water regulation (as described in paragraph (2)(C)) for contaminants that are disinfectants or disinfection byproducts, or to establish a maximum contaminant level or treatment technique requirement for the control of cryptosporidium. The authority of this paragraph may be used to establish regulations for the use of disinfection by systems relying on ground water sources as required by paragraph (8).

“(D) JUDICIAL REVIEW.—A determination by the Administrator that the benefits of a maximum contaminant level or treatment requirement justify or do not justify the costs of complying with the level shall be reviewed by the court pursuant to section 1448 only as part of a review of a final national primary drinking water regulation that has been promulgated based on the determination

and shall not be set aside by the court under that section unless the court finds that the determination is arbitrary and capricious.”.

(b) **DISINFECTANTS AND DISINFECTION BYPRODUCTS.**—The Administrator of the Environmental Protection Agency may use the authority of section 1412(b)(5) of the Safe Drinking Water Act (as amended by this Act) to promulgate the Stage I and Stage II Disinfectants and Disinfection Byproducts Rules as proposed in volume 59, Federal Register, page 38668 (July 29, 1994). The considerations used in the development of the July 29, 1994, proposed national primary drinking water regulation on disinfectants and disinfection byproducts shall be treated as consistent with such section 1412(b)(5) for purposes of such Stage I and Stage II rules.

42 USC 300g-1  
note.

(c) **REVIEW OF STANDARDS.**—Section 1412(b)(9) (42 U.S.C. 300g-1(b)(9)) is amended to read as follows:

“(9) **REVIEW AND REVISION.**—The Administrator shall, not less often than every 6 years, review and revise, as appropriate, each national primary drinking water regulation promulgated under this title. Any revision of a national primary drinking water regulation shall be promulgated in accordance with this section, except that each revision shall maintain, or provide for greater, protection of the health of persons.”.

#### **SEC. 105. TREATMENT TECHNOLOGIES FOR SMALL SYSTEMS.**

Section 1412(b)(4)(E) (42 U.S.C. 300g-1(b)(4)(E)) is amended by adding at the end the following:

“(ii) **LIST OF TECHNOLOGIES FOR SMALL SYSTEMS.**—The Administrator shall include in the list any technology, treatment technique, or other means that is affordable, as determined by the Administrator in consultation with the States, for small public water systems serving—

“(I) a population of 10,000 or fewer but more than 3,300;

“(II) a population of 3,300 or fewer but more than 500; and

“(III) a population of 500 or fewer but more than 25;

and that achieves compliance with the maximum contaminant level or treatment technique, including packaged or modular systems and point-of-entry or point-of-use treatment units. Point-of-entry and point-of-use treatment units shall be owned, controlled and maintained by the public water system or by a person under contract with the public water system to ensure proper operation and maintenance and compliance with the maximum contaminant level or treatment technique and equipped with mechanical warnings to ensure that customers are automatically notified of operational problems. The Administrator shall not include in the list any point-of-use treatment technology, treatment technique, or other means to achieve compliance with a maximum contaminant level or treatment technique requirement for a microbial contaminant (or an indicator of a microbial contaminant). If the American National Standards Institute

has issued product standards applicable to a specific type of point-of-entry or point-of-use treatment unit, individual units of that type shall not be accepted for compliance with a maximum contaminant level or treatment technique requirement unless they are independently certified in accordance with such standards. In listing any technology, treatment technique, or other means pursuant to this clause, the Administrator shall consider the quality of the source water to be treated.

“(iii) LIST OF TECHNOLOGIES THAT ACHIEVE COMPLIANCE.—Except as provided in clause (v), not later than 2 years after the date of enactment of this clause and after consultation with the States, the Administrator shall issue a list of technologies that achieve compliance with the maximum contaminant level or treatment technique for each category of public water systems described in subclauses (I), (II), and (III) of clause (ii) for each national primary drinking water regulation promulgated prior to the date of enactment of this paragraph.

“(iv) ADDITIONAL TECHNOLOGIES.—The Administrator may, at any time after a national primary drinking water regulation has been promulgated, supplement the list of technologies describing additional or new or innovative treatment technologies that meet the requirements of this paragraph for categories of small public water systems described in subclauses (I), (II), and (III) of clause (ii) that are subject to the regulation.

Records.

“(v) TECHNOLOGIES THAT MEET SURFACE WATER TREATMENT RULE.—Within one year after the date of enactment of this clause, the Administrator shall list technologies that meet the Surface Water Treatment Rule for each category of public water systems described in subclauses (I), (II), and (III) of clause (ii).”.

#### SEC. 106. LIMITED ALTERNATIVE TO FILTRATION.

Section 1412(b)(7)(C) (42 U.S.C. 300g-1(b)(7)(C)) is amended by adding the following after clause (iv):

“(v) As an additional alternative to the regulations promulgated pursuant to clauses (i) and (iii), including the criteria for avoiding filtration contained in 40 CFR 141.71, a State exercising primary enforcement responsibility for public water systems may, on a case-by-case basis, and after notice and opportunity for public comment, establish treatment requirements as an alternative to filtration in the case of systems having uninhabited, undeveloped watersheds in consolidated ownership, and having control over access to, and activities in, those watersheds, if the State determines (and the Administrator concurs) that the quality of the source water and the alternative treatment requirements established by the State ensure greater removal or inactivation efficiencies of pathogenic organisms for which national primary drinking water regulations have been promulgated or that are of public health concern than would be achieved by the combination of filtration and chlorine disinfection (in compliance with this section).”.

**SEC. 107. GROUND WATER DISINFECTION.**

Regulations.

Paragraph (8) of section 1412(b) (42 U.S.C. 300g-1(b)(8)) is amended by moving the margins of such paragraph 2 ems to the right and by striking the first sentence and inserting the following: "DISINFECTION.—At any time after the end of the 3-year period that begins on the date of enactment of the Safe Drinking Water Act Amendments of 1996, but not later than the date on which the Administrator promulgates a Stage II rulemaking for disinfectants and disinfection byproducts (as described in paragraph (2)(C)), the Administrator shall also promulgate national primary drinking water regulations requiring disinfection as a treatment technique for all public water systems, including surface water systems and, as necessary, ground water systems. After consultation with the States, the Administrator shall (as part of the regulations) promulgate criteria that the Administrator, or a State that has primary enforcement responsibility under section 1413, shall apply to determine whether disinfection shall be required as a treatment technique for any public water system served by ground water."

**SEC. 108. EFFECTIVE DATE FOR REGULATIONS.**

Section 1412(b)(10) (42 U.S.C. 300g-1(b)(10)) is amended to read as follows:

"(10) EFFECTIVE DATE.—A national primary drinking water regulation promulgated under this section (and any amendment thereto) shall take effect on the date that is 3 years after the date on which the regulation is promulgated unless the Administrator determines that an earlier date is practicable, except that the Administrator, or a State (in the case of an individual system), may allow up to 2 additional years to comply with a maximum contaminant level or treatment technique if the Administrator or State (in the case of an individual system) determines that additional time is necessary for capital improvements."

**SEC. 109. ARSENIC, SULFATE, AND RADON.**

(a) ARSENIC AND SULFATE.—Section 1412(b) (42 U.S.C. 300g-1(b)) is amended by inserting after paragraph (11) the following:

"(12) CERTAIN CONTAMINANTS.—

"(A) ARSENIC.—

"(i) SCHEDULE AND STANDARD.—Notwithstanding the deadlines set forth in paragraph (1), the Administrator shall promulgate a national primary drinking water regulation for arsenic pursuant to this subsection, in accordance with the schedule established by this paragraph.

"(ii) STUDY PLAN.—Not later than 180 days after the date of enactment of this paragraph, the Administrator shall develop a comprehensive plan for study in support of drinking water rulemaking to reduce the uncertainty in assessing health risks associated with exposure to low levels of arsenic. In conducting such study, the Administrator shall consult with the National Academy of Sciences, other Federal agencies, and interested public and private entities.

"(iii) COOPERATIVE AGREEMENTS.—In carrying out the study plan, the Administrator may enter into cooperative agreements with other Federal agencies,

State and local governments, and other interested public and private entities.

“(iv) PROPOSED REGULATIONS.—The Administrator shall propose a national primary drinking water regulation for arsenic not later than January 1, 2000.

“(v) FINAL REGULATIONS.—Not later than January 1, 2001, after notice and opportunity for public comment, the Administrator shall promulgate a national primary drinking water regulation for arsenic.

“(vi) AUTHORIZATION.—There are authorized to be appropriated \$2,500,000 for each of fiscal years 1997 through 2000 for the studies required by this paragraph.

“(B) SULFATE.—

“(i) ADDITIONAL STUDY.—Prior to promulgating a national primary drinking water regulation for sulfate, the Administrator and the Director of the Centers for Disease Control and Prevention shall jointly conduct an additional study to establish a reliable dose-response relationship for the adverse human health effects that may result from exposure to sulfate in drinking water, including the health effects that may be experienced by groups within the general population (including infants and travelers) that are potentially at greater risk of adverse health effects as the result of such exposure. The study shall be conducted in consultation with interested States, shall be based on the best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices, and shall be completed not later than 30 months after the date of enactment of the Safe Drinking Water Act Amendments of 1996.

“(ii) DETERMINATION.—The Administrator shall include sulfate among the 5 or more contaminants for which a determination is made pursuant to paragraph (3)(B) not later than 5 years after the date of enactment of the Safe Drinking Water Act Amendments of 1996.

“(iii) PROPOSED AND FINAL RULE.—Notwithstanding the deadlines set forth in paragraph (2), the Administrator may, pursuant to the authorities of this subsection and after notice and opportunity for public comment, promulgate a final national primary drinking water regulation for sulfate. Any such regulation shall include requirements for public notification and options for the provision of alternative water supplies to populations at risk as a means of complying with the regulation in lieu of a best available treatment technology or other means.”

(b) RADON.—Section 1412(b) (42 U.S.C. 300g-1(b)) is amended by inserting after paragraph (12) the following:

“(13) RADON IN DRINKING WATER.—

“(A) NATIONAL PRIMARY DRINKING WATER REGULATION.—Notwithstanding paragraph (2), the Administrator shall withdraw any national primary drinking water regulation for radon proposed prior to the date of enactment of this paragraph and shall propose and promulgate a regulation for radon under this section, as amended by the Safe Drinking Water Act Amendments of 1996.

“(B) RISK ASSESSMENT AND STUDIES.—

“(i) ASSESSMENT BY NAS.—Prior to proposing a national primary drinking water regulation for radon, the Administrator shall arrange for the National Academy of Sciences to prepare a risk assessment for radon in drinking water using the best available science in accordance with the requirements of paragraph (3). The risk assessment shall consider each of the risks associated with exposure to radon from drinking water and consider studies on the health effects of radon at levels and under conditions likely to be experienced through residential exposure. The risk assessment shall be peer-reviewed.

“(ii) STUDY OF OTHER MEASURES.—The Administrator shall arrange for the National Academy of Sciences to prepare an assessment of the health risk reduction benefits associated with various mitigation measures to reduce radon levels in indoor air. The assessment may be conducted as part of the risk assessment authorized by clause (i) and shall be used by the Administrator to prepare the guidance and approve State programs under subparagraph (G).

“(iii) OTHER ORGANIZATION.—If the National Academy of Sciences declines to prepare the risk assessment or studies required by this subparagraph, the Administrator shall enter into a contract or cooperative agreement with another independent, scientific organization to prepare such assessments or studies.

Contracts.

“(C) HEALTH RISK REDUCTION AND COST ANALYSIS.—

Not later than 30 months after the date of enactment of this paragraph, the Administrator shall publish, and seek public comment on, a health risk reduction and cost analysis meeting the requirements of paragraph (3)(C) for potential maximum contaminant levels that are being considered for radon in drinking water. The Administrator shall include a response to all significant public comments received on the analysis with the preamble for the proposed rule published under subparagraph (D).

Publication.

“(D) PROPOSED REGULATION.—Not later than 36 months after the date of enactment of this paragraph, the Administrator shall propose a maximum contaminant level goal and a national primary drinking water regulation for radon pursuant to this section.

“(E) FINAL REGULATION.—Not later than 12 months after the date of the proposal under subparagraph (D), the Administrator shall publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for radon pursuant to this section based on the risk assessment prepared pursuant to subparagraph (B) and the health risk reduction and cost analysis published pursuant to subparagraph (C). In considering the risk assessment and the health risk reduction and cost analysis in connection with the promulgation of such a standard, the Administrator shall take into account the costs and benefits of control programs for radon from other sources.

## Regulations.

Publication.  
Guidelines.

“(F) ALTERNATIVE MAXIMUM CONTAMINANT LEVEL.—If the maximum contaminant level for radon in drinking water promulgated pursuant to subparagraph (E) is more stringent than necessary to reduce the contribution to radon in indoor air from drinking water to a concentration that is equivalent to the national average concentration of radon in outdoor air, the Administrator shall, simultaneously with the promulgation of such level, promulgate an alternative maximum contaminant level for radon that would result in a contribution of radon from drinking water to radon levels in indoor air equivalent to the national average concentration of radon in outdoor air. If the Administrator promulgates an alternative maximum contaminant level under this subparagraph, the Administrator shall, after notice and opportunity for public comment and in consultation with the States, publish guidelines for State programs, including criteria for multimedia measures to mitigate radon levels in indoor air, to be used by the States in preparing programs under subparagraph (G). The guidelines shall take into account data from existing radon mitigation programs and the assessment of mitigation measures prepared under subparagraph (B).

## “(G) MULTIMEDIA RADON MITIGATION PROGRAMS.—

“(i) IN GENERAL.—A State may develop and submit a multimedia program to mitigate radon levels in indoor air for approval by the Administrator under this subparagraph. If, after notice and the opportunity for public comment, such program is approved by the Administrator, public water systems in the State may comply with the alternative maximum contaminant level promulgated under subparagraph (F) in lieu of the maximum contaminant level in the national primary drinking water regulation promulgated under subparagraph (E).

“(ii) ELEMENTS OF PROGRAMS.—State programs may rely on a variety of mitigation measures including public education, testing, training, technical assistance, remediation grant and loan or incentive programs, or other regulatory or nonregulatory measures. The effectiveness of elements in State programs shall be evaluated by the Administrator based on the assessment prepared by the National Academy of Sciences under subparagraph (B) and the guidelines published by the Administrator under subparagraph (F).

“(iii) APPROVAL.—The Administrator shall approve a State program submitted under this paragraph if the health risk reduction benefits expected to be achieved by the program are equal to or greater than the health risk reduction benefits that would be achieved if each public water system in the State complied with the maximum contaminant level promulgated under subparagraph (E). The Administrator shall approve or disapprove a program submitted under this paragraph within 180 days of receipt. A program that is not disapproved during such period shall be deemed approved. A program that is disapproved may be modi-

fied to address the objections of the Administrator and be resubmitted for approval.

“(iv) REVIEW.—The Administrator shall periodically, but not less often than every 5 years, review each multimedia mitigation program approved under this subparagraph to determine whether it continues to meet the requirements of clause (iii) and shall, after written notice to the State and an opportunity for the State to correct any deficiency in the program, withdraw approval of programs that no longer comply with such requirements.

“(v) EXTENSION.—If, within 90 days after the promulgation of an alternative maximum contaminant level under subparagraph (F), the Governor of a State submits a letter to the Administrator committing to develop a multimedia mitigation program under this subparagraph, the effective date of the national primary drinking water regulation for radon in the State that would be applicable under paragraph (10) shall be extended for a period of 18 months.

“(vi) LOCAL PROGRAMS.—In the event that a State chooses not to submit a multimedia mitigation program for approval under this subparagraph or has submitted a program that has been disapproved, any public water system in the State may submit a program for approval by the Administrator according to the same criteria, conditions, and approval process that would apply to a State program. The Administrator shall approve a multimedia mitigation program if the health risk reduction benefits expected to be achieved by the program are equal to or greater than the health risk reduction benefits that would result from compliance by the public water system with the maximum contaminant level for radon promulgated under subparagraph (E).”.

#### SEC. 110. RECYCLING OF FILTER BACKWASH.

Regulations.

Section 1412(b) (42 U.S.C. 300g-1(b)) is amended by adding the following new paragraph after paragraph (13):

“(14) RECYCLING OF FILTER BACKWASH.—The Administrator shall promulgate a regulation to govern the recycling of filter backwash water within the treatment process of a public water system. The Administrator shall promulgate such regulation not later than 4 years after the date of enactment of the Safe Drinking Water Act Amendments of 1996 unless such recycling has been addressed by the Administrator’s Enhanced Surface Water Treatment Rule prior to such date.”.

#### SEC. 111. TECHNOLOGY AND TREATMENT TECHNIQUES.

(a) VARIANCE TECHNOLOGIES.—Section 1412(b) (42 U.S.C. 300g-1(b)) is amended by adding the following new paragraph after paragraph (14):

“(15) VARIANCE TECHNOLOGIES.—

Regulations.

“(A) IN GENERAL.—At the same time as the Administrator promulgates a national primary drinking water regulation for a contaminant pursuant to this section, the Administrator shall issue guidance or regulations describing the best treatment technologies, treatment techniques,

or other means (referred to in this paragraph as 'variance technology') for the contaminant that the Administrator finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available and affordable, as determined by the Administrator in consultation with the States, for public water systems of varying size, considering the quality of the source water to be treated. The Administrator shall identify such variance technologies for public water systems serving—

“(i) a population of 10,000 or fewer but more than 3,300;

“(ii) a population of 3,300 or fewer but more than 500; and

“(iii) a population of 500 or fewer but more than 25,

if, considering the quality of the source water to be treated, no treatment technology is listed for public water systems of that size under paragraph (4)(E). Variance technologies identified by the Administrator pursuant to this paragraph may not achieve compliance with the maximum contaminant level or treatment technique requirement of such regulation, but shall achieve the maximum reduction or inactivation efficiency that is affordable considering the size of the system and the quality of the source water. The guidance or regulations shall not require the use of a technology from a specific manufacturer or brand.

“(B) LIMITATION.—The Administrator shall not identify any variance technology under this paragraph, unless the Administrator has determined, considering the quality of the source water to be treated and the expected useful life of the technology, that the variance technology is protective of public health.

“(C) ADDITIONAL INFORMATION.—The Administrator shall include in the guidance or regulations identifying variance technologies under this paragraph any assumptions supporting the public health determination referred to in subparagraph (B), where such assumptions concern the public water system to which the technology may be applied, or its source waters. The Administrator shall provide any assumptions used in determining affordability, taking into consideration the number of persons served by such systems. The Administrator shall provide as much reliable information as practicable on performance, effectiveness, limitations, costs, and other relevant factors including the applicability of variance technology to waters from surface and underground sources.

“(D) REGULATIONS AND GUIDANCE.—Not later than 2 years after the date of enactment of this paragraph and after consultation with the States, the Administrator shall issue guidance or regulations under subparagraph (A) for each national primary drinking water regulation promulgated prior to the date of enactment of this paragraph for which a variance may be granted under section 1415(e). The Administrator may, at any time after a national primary drinking water regulation has been promulgated, issue guidance or regulations describing additional variance technologies. The Administrator shall, not less often than

every 7 years, or upon receipt of a petition supported by substantial information, review variance technologies identified under this paragraph. The Administrator shall issue revised guidance or regulations if new or innovative variance technologies become available that meet the requirements of this paragraph and achieve an equal or greater reduction or inactivation efficiency than the variance technologies previously identified under this subparagraph. No public water system shall be required to replace a variance technology during the useful life of the technology for the sole reason that a more efficient variance technology has been listed under this subparagraph.”

(b) **AVAILABILITY OF INFORMATION ON SMALL SYSTEM TECHNOLOGIES.**—Section 1445 (42 U.S.C. 300j-4) is amended by adding the following new subsection after subsection (g):

“(h) **AVAILABILITY OF INFORMATION ON SMALL SYSTEM TECHNOLOGIES.**—For purposes of sections 1412(b)(4)(E) and 1415(e) (relating to small system variance program), the Administrator may request information on the characteristics of commercially available treatment systems and technologies, including the effectiveness and performance of the systems and technologies under various operating conditions. The Administrator may specify the form, content, and submission date of information to be submitted by manufacturers, States, and other interested persons for the purpose of considering the systems and technologies in the development of regulations or guidance under sections 1412(b)(4)(E) and 1415(e).”

#### **SEC. 112. STATE PRIMACY.**

(a) **STATE PRIMARY ENFORCEMENT RESPONSIBILITY.**—Section 1413 (42 U.S.C. 300g-2) is amended as follows:

(1) In subsection (a), by amending paragraph (1) to read as follows:

“(1) has adopted drinking water regulations that are no less stringent than the national primary drinking water regulations promulgated by the Administrator under subsections (a) and (b) of section 1412 not later than 2 years after the date on which the regulations are promulgated by the Administrator, except that the Administrator may provide for an extension of not more than 2 years if, after submission and review of appropriate, adequate documentation from the State, the Administrator determines that the extension is necessary and justified.”

(2) By adding at the end the following subsection:

“(c) **INTERIM PRIMARY ENFORCEMENT AUTHORITY.**—A State that has primary enforcement authority under this section with respect to each existing national primary drinking water regulation shall be considered to have primary enforcement authority with respect to each new or revised national primary drinking water regulation during the period beginning on the effective date of a regulation adopted and submitted by the State with respect to the new or revised national primary drinking water regulation in accordance with subsection (b)(1) and ending at such time as the Administrator makes a determination under subsection (b)(2)(B) with respect to the regulation.”

(b) **EMERGENCY PLANS.**—Section 1413(a)(5) (42 U.S.C. 300g-2(a)(5)) is amended by inserting after “emergency circumstances”

the following: "including earthquakes, floods, hurricanes, and other natural disasters, as appropriate".

**SEC. 113. ENFORCEMENT; JUDICIAL REVIEW.**

(a) **IN GENERAL.**—Section 1414 (42 U.S.C. 300g-3) is amended as follows:

(1) In subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clause (i), by striking "any national primary drinking water regulation in effect under section 1412" and inserting "any applicable requirement"; and

(II) by striking "with such regulation or requirement" and inserting "with the requirement"; and

(ii) in subparagraph (B), by striking "regulation or" and inserting "applicable"; and

(B) by striking paragraph (2) and inserting the following:

"(2) **ENFORCEMENT IN NONPRIMACY STATES.**—

"(A) **IN GENERAL.**—If, on the basis of information available to the Administrator, the Administrator finds, with respect to a period in which a State does not have primary enforcement responsibility for public water systems, that a public water system in the State—

"(i) for which a variance under section 1415 or an exemption under section 1416 is not in effect, does not comply with any applicable requirement; or

"(ii) for which a variance under section 1415 or an exemption under section 1416 is in effect, does not comply with any schedule or other requirement imposed pursuant to the variance or exemption;

the Administrator shall issue an order under subsection (g) requiring the public water system to comply with the requirement, or commence a civil action under subsection (b).

"(B) **NOTICE.**—If the Administrator takes any action pursuant to this paragraph, the Administrator shall notify an appropriate local elected official, if any, with jurisdiction over the public water system of the action prior to the time that the action is taken."

(2) In the first sentence of subsection (b), by striking "a national primary drinking water regulation" and inserting "any applicable requirement".

(3) In subsection (g)—

(A) in paragraph (1), by striking "regulation, schedule, or other" each place it appears and inserting "applicable";

(B) in paragraph (2)—

(i) in the first sentence—

(I) by striking "effect until after notice and opportunity for public hearing and," and inserting "effect,"; and

(II) by striking "proposed order" and inserting "order"; and

(ii) in the second sentence, by striking "proposed to be"; and

Orders.

(C) in paragraph (3)—

(i) by striking subparagraph (B) and inserting the following:

“(B) In a case in which a civil penalty sought by the Administrator under this paragraph does not exceed \$5,000, the penalty shall be assessed by the Administrator after notice and opportunity for a public hearing (unless the person against whom the penalty is assessed requests a hearing on the record in accordance with section 554 of title 5, United States Code). In a case in which a civil penalty sought by the Administrator under this paragraph exceeds \$5,000, but does not exceed \$25,000, the penalty shall be assessed by the Administrator after notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code.”; and

(ii) in subparagraph (C), by striking “paragraph exceeds \$5,000” and inserting “subsection for a violation of an applicable requirement exceeds \$25,000”.

(4) By adding at the end the following:

“(h) CONSOLIDATION INCENTIVE.—

“(1) IN GENERAL.—An owner or operator of a public water system may submit to the State in which the system is located (if the State has primary enforcement responsibility under section 1413) or to the Administrator (if the State does not have primary enforcement responsibility) a plan (including specific measures and schedules) for—

“(A) the physical consolidation of the system with 1 or more other systems;

“(B) the consolidation of significant management and administrative functions of the system with 1 or more other systems; or

“(C) the transfer of ownership of the system that may reasonably be expected to improve drinking water quality.

“(2) CONSEQUENCES OF APPROVAL.—If the State or the Administrator approves a plan pursuant to paragraph (1), no enforcement action shall be taken pursuant to this part with respect to a specific violation identified in the approved plan prior to the date that is the earlier of the date on which consolidation is completed according to the plan or the date that is 2 years after the plan is approved.

“(i) DEFINITION OF APPLICABLE REQUIREMENT.—In this section, the term ‘applicable requirement’ means—

“(1) a requirement of section 1412, 1414, 1415, 1416, 1417, 1441, or 1445;

“(2) a regulation promulgated pursuant to a section referred to in paragraph (1);

“(3) a schedule or requirement imposed pursuant to a section referred to in paragraph (1); and

“(4) a requirement of, or permit issued under, an applicable State program for which the Administrator has made a determination that the requirements of section 1413 have been satisfied, or an applicable State program approved pursuant to this part.”.

(b) STATE AUTHORITY FOR ADMINISTRATIVE PENALTIES.—Section 1413(a) (42 U.S.C. 300g-2(a)) is amended—

(1) by striking “and” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting “; and”; and

(3) by adding at the end the following:

“(6) has adopted authority for administrative penalties (unless the constitution of the State prohibits the adoption of the authority) in a maximum amount—

“(A) in the case of a system serving a population of more than 10,000, that is not less than \$1,000 per day per violation; and

“(B) in the case of any other system, that is adequate to ensure compliance (as determined by the State);

except that a State may establish a maximum limitation on the total amount of administrative penalties that may be imposed on a public water system per violation.”.

(c) JUDICIAL REVIEW.—Section 1448(a) (42 U.S.C. 300j-7(a)) is amended—

(1) in paragraph (2) of the first sentence, by inserting “final” after “any other”;

(2) in the second sentence, by striking “or issuance of the order” and inserting “or any other final Agency action”; and

(3) by adding at the end the following “In any petition concerning the assessment of a civil penalty pursuant to section 1414(g)(3)(B), the petitioner shall simultaneously send a copy of the complaint by certified mail to the Administrator and the Attorney General. The court shall set aside and remand the penalty order if the court finds that there is not substantial evidence in the record to support the finding of a violation or that the assessment of the penalty by the Administrator constitutes an abuse of discretion.”.

(d) EMERGENCY POWERS.—Section 1431(b) (42 U.S.C. 300i(b)) is amended by striking “\$5,000” and inserting “\$15,000”.

#### SEC. 114. PUBLIC NOTIFICATION.

(a) PUBLIC WATER SYSTEMS.—Section 1414(c) (42 U.S.C. 300g-3(c)) is amended to read as follows:

“(c) NOTICE TO PERSONS SERVED.—

“(1) IN GENERAL.—Each owner or operator of a public water system shall give notice of each of the following to the persons served by the system:

“(A) Notice of any failure on the part of the public water system to—

“(i) comply with an applicable maximum contaminant level or treatment technique requirement of, or a testing procedure prescribed by, a national primary drinking water regulation; or

“(ii) perform monitoring required by section 1445(a).

“(B) If the public water system is subject to a variance granted under subsection (a)(1)(A), (a)(2), or (e) of section 1415 for an inability to meet a maximum contaminant level requirement or is subject to an exemption granted under section 1416, notice of—

“(i) the existence of the variance or exemption; and

“(ii) any failure to comply with the requirements of any schedule prescribed pursuant to the variance or exemption.

“(C) Notice of the concentration level of any unregulated contaminant for which the Administrator has required public notice pursuant to paragraph (2)(E).

“(2) FORM, MANNER, AND FREQUENCY OF NOTICE.—

“(A) IN GENERAL.—The Administrator shall, by regulation, and after consultation with the States, prescribe the manner, frequency, form, and content for giving notice under this subsection. The regulations shall—

Regulations.

“(i) provide for different frequencies of notice based on the differences between violations that are intermittent or infrequent and violations that are continuous or frequent; and

“(ii) take into account the seriousness of any potential adverse health effects that may be involved.

“(B) STATE REQUIREMENTS.—

“(i) IN GENERAL.—A State may, by rule, establish alternative notification requirements—

“(I) with respect to the form and content of notice given under and in a manner in accordance with subparagraph (C); and

“(II) with respect to the form and content of notice given under subparagraph (D).

“(ii) CONTENTS.—The alternative requirements shall provide the same type and amount of information as required pursuant to this subsection and regulations issued under subparagraph (A).

“(iii) RELATIONSHIP TO SECTION 1413.—Nothing in this subparagraph shall be construed or applied to modify the requirements of section 1413.

“(C) VIOLATIONS WITH POTENTIAL TO HAVE SERIOUS ADVERSE EFFECTS ON HUMAN HEALTH.—Regulations issued under subparagraph (A) shall specify notification procedures for each violation by a public water system that has the potential to have serious adverse effects on human health as a result of short-term exposure. Each notice of violation provided under this subparagraph shall—

“(i) be distributed as soon as practicable after the occurrence of the violation, but not later than 24 hours after the occurrence of the violation;

“(ii) provide a clear and readily understandable explanation of—

“(I) the violation;

“(II) the potential adverse effects on human health;

“(III) the steps that the public water system is taking to correct the violation; and

“(IV) the necessity of seeking alternative water supplies until the violation is corrected;

“(iii) be provided to the Administrator or the head of the State agency that has primary enforcement responsibility under section 1413 as soon as practicable, but not later than 24 hours after the occurrence of the violation; and

“(iv) as required by the State agency in general regulations of the State agency, or on a case-by-case basis after the consultation referred to in clause (iii), considering the health risks involved—

“(I) be provided to appropriate broadcast media;

“(II) be prominently published in a newspaper of general circulation serving the area not later than 1 day after distribution of a notice pursuant to clause (i) or the date of publication of the next issue of the newspaper; or

“(III) be provided by posting or door-to-door notification in lieu of notification by means of broadcast media or newspaper.

“(D) WRITTEN NOTICE.—

“(i) IN GENERAL.—Regulations issued under subparagraph (A) shall specify notification procedures for violations other than the violations covered by subparagraph (C). The procedures shall specify that a public water system shall provide written notice to each person served by the system by notice (I) in the first bill (if any) prepared after the date of occurrence of the violation, (II) in an annual report issued not later than 1 year after the date of occurrence of the violation, or (III) by mail or direct delivery as soon as practicable, but not later than 1 year after the date of occurrence of the violation.

“(ii) FORM AND MANNER OF NOTICE.—The Administrator shall prescribe the form and manner of the notice to provide a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps that the system is taking to seek alternative water supplies, if any, until the violation is corrected.

“(E) UNREGULATED CONTAMINANTS.—The Administrator may require the owner or operator of a public water system to give notice to the persons served by the system of the concentration levels of an unregulated contaminant required to be monitored under section 1445(a).

“(3) REPORTS.—

“(A) ANNUAL REPORT BY STATE.—

“(i) IN GENERAL.—Not later than January 1, 1998, and annually thereafter, each State that has primary enforcement responsibility under section 1413 shall prepare, make readily available to the public, and submit to the Administrator an annual report on violations of national primary drinking water regulations by public water systems in the State, including violations with respect to (I) maximum contaminant levels, (II) treatment requirements, (III) variances and exemptions, and (IV) monitoring requirements determined to be significant by the Administrator after consultation with the States.

“(ii) DISTRIBUTION.—The State shall publish and distribute summaries of the report and indicate where the full report is available for review.

“(B) ANNUAL REPORT BY ADMINISTRATOR.—Not later than July 1, 1998, and annually thereafter, the Administrator shall prepare and make available to the public an annual report summarizing and evaluating reports submitted by States pursuant to subparagraph (A) and notices

Reports.

Publication.

Native  
Americans.

submitted by public water systems serving Indian Tribes provided to the Administrator pursuant to subparagraph (C) or (D) of paragraph (2) and making recommendations concerning the resources needed to improve compliance with this title. The report shall include information about public water system compliance on Indian reservations and about enforcement activities undertaken and financial assistance provided by the Administrator on Indian reservations, and shall make specific recommendations concerning the resources needed to improve compliance with this title on Indian reservations.

**"(4) CONSUMER CONFIDENCE REPORTS BY COMMUNITY WATER SYSTEMS.—**

**"(A) ANNUAL REPORTS TO CONSUMERS.—**The Administrator, in consultation with public water systems, environmental groups, public interest groups, risk communication experts, and the States, and other interested parties, shall issue regulations within 24 months after the date of enactment of this paragraph to require each community water system to mail to each customer of the system at least once annually a report on the level of contaminants in the drinking water purveyed by that system (referred to in this paragraph as a 'consumer confidence report'). Such regulations shall provide a brief and plainly worded definition of the terms 'maximum contaminant level goal', 'maximum contaminant level', 'variances', and 'exemptions' and brief statements in plain language regarding the health concerns that resulted in regulation of each regulated contaminant. The regulations shall also include a brief and plainly worded explanation regarding contaminants that may reasonably be expected to be present in drinking water, including bottled water. The regulations shall also provide for an Environmental Protection Agency toll-free hotline that consumers can call for more information and explanation.

Regulations.

**"(B) CONTENTS OF REPORT.—**The consumer confidence reports under this paragraph shall include, but not be limited to, each of the following:

**"(i)** Information on the source of the water purveyed.

**"(ii)** A brief and plainly worded definition of the terms 'maximum contaminant level goal', 'maximum contaminant level', 'variances', and 'exemptions' as provided in the regulations of the Administrator.

**"(iii)** If any regulated contaminant is detected in the water purveyed by the public water system, a statement setting forth (I) the maximum contaminant level goal, (II) the maximum contaminant level, (III) the level of such contaminant in such water system, and (IV) for any regulated contaminant for which there has been a violation of the maximum contaminant level during the year concerned, the brief statement in plain language regarding the health concerns that resulted in regulation of such contaminant, as provided by the Administrator in regulations under subparagraph (A).

“(iv) Information on compliance with national primary drinking water regulations, as required by the Administrator, and notice if the system is operating under a variance or exemption and the basis on which the variance or exemption was granted.

“(v) Information on the levels of unregulated contaminants for which monitoring is required under section 1445(a)(2) (including levels of cryptosporidium and radon where States determine they may be found).

“(vi) A statement that the presence of contaminants in drinking water does not necessarily indicate that the drinking water poses a health risk and that more information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency hotline.

A public water system may include such additional information as it deems appropriate for public education. The Administrator may, for not more than 3 regulated contaminants other than those referred to in subclause (IV) of clause (iii), require a consumer confidence report under this paragraph to include the brief statement in plain language regarding the health concerns that resulted in regulation of the contaminant or contaminants concerned, as provided by the Administrator in regulations under subparagraph (A).

“(C) COVERAGE.—The Governor of a State may determine not to apply the mailing requirement of subparagraph (A) to a community water system serving fewer than 10,000 persons. Any such system shall—

Newspapers.

“(i) inform, in the newspaper notice required by clause (iii) or by other means, its customers that the system will not be mailing the report as required by subparagraph (A);

“(ii) make the consumer confidence report available upon request to the public; and

Publication.

“(iii) publish the report referred to in subparagraph (A) annually in one or more local newspapers serving the area in which customers of the system are located.

“(D) ALTERNATIVE TO PUBLICATION.—For any community water system which, pursuant to subparagraph (C), is not required to meet the mailing requirement of subparagraph (A) and which serves 500 persons or fewer, the community water system may elect not to comply with clause (i) or (iii) of subparagraph (C). If the community water system so elects, the system shall, at a minimum—

Reports.

“(i) prepare an annual consumer confidence report pursuant to subparagraph (B); and

“(ii) provide notice at least once per year to each of its customers by mail, by door-to-door delivery, by posting or by other means authorized by the regulations of the Administrator that the consumer confidence report is available upon request.

“(E) ALTERNATIVE FORM AND CONTENT.—A State exercising primary enforcement responsibility may establish, by rule, after notice and public comment, alternative requirements with respect to the form and content of consumer confidence reports under this paragraph.”

(b) **BOTTLED WATER STUDY.**—Not later than 18 months after the date of enactment of this Act, the Administrator of the Food and Drug Administration, in consultation with the Administrator of the Environmental Protection Agency, shall publish for public notice and comment a draft study on the feasibility of appropriate methods, if any, of informing customers of the contents of bottled water. The Administrator of the Food and Drug Administration shall publish a final study not later than 30 months after the date of enactment of this Act.

Publication.  
21 USC 349 note.

**SEC. 115. VARIANCES.**

The second sentence of section 1415(a)(1)(A) (42 U.S.C. 300g-4(a)(1)(A)) is amended—

(1) by striking “only be issued to a system after the system’s application of” and inserting “be issued to a system on condition that the system install”; and

(2) by inserting before the period at the end the following: “, and based upon an evaluation satisfactory to the State that indicates that alternative sources of water are not reasonably available to the system”.

**SEC. 116. SMALL SYSTEMS VARIANCES.**

Section 1415 (42 U.S.C. 300g-4) is amended by adding at the end the following:

“(e) **SMALL SYSTEM VARIANCES.**—

“(1) **IN GENERAL.**—A State exercising primary enforcement responsibility for public water systems under section 1413 (or the Administrator in nonprimacy States) may grant a variance under this subsection for compliance with a requirement specifying a maximum contaminant level or treatment technique contained in a national primary drinking water regulation to—

“(A) public water systems serving 3,300 or fewer persons; and

“(B) with the approval of the Administrator pursuant to paragraph (9), public water systems serving more than 3,300 persons but fewer than 10,000 persons, if the variance meets each requirement of this subsection.

“(2) **AVAILABILITY OF VARIANCES.**—A public water system may receive a variance pursuant to paragraph (1), if—

“(A) the Administrator has identified a variance technology under section 1412(b)(15) that is applicable to the size and source water quality conditions of the public water system;

“(B) the public water system installs, operates, and maintains, in accordance with guidance or regulations issued by the Administrator, such treatment technology, treatment technique, or other means; and

“(C) the State in which the system is located determines that the conditions of paragraph (3) are met.

“(3) **CONDITIONS FOR GRANTING VARIANCES.**—A variance under this subsection shall be available only to a system—

“(A) that cannot afford to comply, in accordance with affordability criteria established by the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413), with a national primary drinking water regulation, including compliance through—

“(i) treatment;

“(ii) alternative source of water supply; or

“(iii) restructuring or consolidation (unless the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) makes a written determination that restructuring or consolidation is not practicable); and

“(B) for which the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) determines that the terms of the variance ensure adequate protection of human health, considering the quality of the source water for the system and the removal efficiencies and expected useful life of the treatment technology required by the variance.

“(4) COMPLIANCE SCHEDULES.—A variance granted under this subsection shall require compliance with the conditions of the variance not later than 3 years after the date on which the variance is granted, except that the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) may allow up to 2 additional years to comply with a variance technology, secure an alternative source of water, restructure or consolidate if the Administrator (or the State) determines that additional time is necessary for capital improvements, or to allow for financial assistance provided pursuant to section 1452 or any other Federal or State program.

Review.

“(5) DURATION OF VARIANCES.—The Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) shall review each variance granted under this subsection not less often than every 5 years after the compliance date established in the variance to determine whether the system remains eligible for the variance and is conforming to each condition of the variance.

“(6) INELIGIBILITY FOR VARIANCES.—A variance shall not be available under this subsection for—

“(A) any maximum contaminant level or treatment technique for a contaminant with respect to which a national primary drinking water regulation was promulgated prior to January 1, 1986; or

“(B) a national primary drinking water regulation for a microbial contaminant (including a bacterium, virus, or other organism) or an indicator or treatment technique for a microbial contaminant.

“(7) REGULATIONS AND GUIDANCE.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection and in consultation with the States, the Administrator shall promulgate regulations for variances to be granted under this subsection. The regulations shall, at a minimum, specify—

“(i) procedures to be used by the Administrator or a State to grant or deny variances, including requirements for notifying the Administrator and consumers of the public water system that a variance is proposed to be granted (including information regarding the contaminant and variance) and requirements for a public hearing on the variance before the variance is granted;

“(ii) requirements for the installation and proper operation of variance technology that is identified (pursuant to section 1412(b)(15)) for small systems and the financial and technical capability to operate the treatment system, including operator training and certification;

“(iii) eligibility criteria for a variance for each national primary drinking water regulation, including requirements for the quality of the source water (pursuant to section 1412(b)(15)(A)); and

“(iv) information requirements for variance applications.

“(B) AFFORDABILITY CRITERIA.—Not later than 18 months after the date of enactment of the Safe Drinking Water Act Amendments of 1996, the Administrator, in consultation with the States and the Rural Utilities Service of the Department of Agriculture, shall publish information to assist the States in developing affordability criteria. The affordability criteria shall be reviewed by the States not less often than every 5 years to determine if changes are needed to the criteria. Publication.

“(8) REVIEW BY THE ADMINISTRATOR.—

“(A) IN GENERAL.—The Administrator shall periodically review the program of each State that has primary enforcement responsibility for public water systems under section 1413 with respect to variances to determine whether the variances granted by the State comply with the requirements of this subsection. With respect to affordability, the determination of the Administrator shall be limited to whether the variances granted by the State comply with the affordability criteria developed by the State. Review.

“(B) NOTICE AND PUBLICATION.—If the Administrator determines that variances granted by a State are not in compliance with affordability criteria developed by the State and the requirements of this subsection, the Administrator shall notify the State in writing of the deficiencies and make public the determination.

“(9) APPROVAL OF VARIANCES.—A State proposing to grant a variance under this subsection to a public water system serving more than 3,300 and fewer than 10,000 persons shall submit the variance to the Administrator for review and approval prior to the issuance of the variance. The Administrator shall approve the variance if it meets each of the requirements of this subsection. The Administrator shall approve or disapprove the variance within 90 days. If the Administrator disapproves a variance under this paragraph, the Administrator shall notify the State in writing of the reasons for disapproval and the variance may be resubmitted with modifications to address the objections stated by the Administrator. Notification.

“(10) OBJECTIONS TO VARIANCES.—

“(A) BY THE ADMINISTRATOR.—The Administrator may review and object to any variance proposed to be granted by a State, if the objection is communicated to the State not later than 90 days after the State proposes to grant the variance. If the Administrator objects to the granting of a variance, the Administrator shall notify the State in writing of each basis for the objection and propose a Notification.

modification to the variance to resolve the concerns of the Administrator. The State shall make the recommended modification or respond in writing to each objection. If the State issues the variance without resolving the concerns of the Administrator, the Administrator may overturn the State decision to grant the variance if the Administrator determines that the State decision does not comply with this subsection.

“(B) PETITION BY CONSUMERS.—Not later than 30 days after a State exercising primary enforcement responsibility for public water systems under section 1413 proposes to grant a variance for a public water system, any person served by the system may petition the Administrator to object to the granting of a variance. The Administrator shall respond to the petition and determine whether to object to the variance under subparagraph (A) not later than 60 days after the receipt of the petition.

“(C) TIMING.—No variance shall be granted by a State until the later of the following:

“(i) 90 days after the State proposes to grant a variance.

“(ii) If the Administrator objects to the variance, the date on which the State makes the recommended modifications or responds in writing to each objection.”.

#### SEC. 117. EXEMPTIONS.

(a) IN GENERAL.—Section 1416 (42 U.S.C. 300g-5) is amended as follows:

(1) In subsection (a)(1)—

(A) by inserting after “(which may include economic factors” the following: “, including qualification of the public water system as a system serving a disadvantaged community pursuant to section 1452(d)”; and

(B) by inserting after “treatment technique requirement,” the following: “or to implement measures to develop an alternative source of water supply,”.

(2) In subsection (a), by striking “and” at the end of paragraph (2), striking the period at the end of paragraph (3) and inserting “; and” and by adding the following at the end thereof:

“(4) management or restructuring changes (or both) cannot reasonably be made that will result in compliance with this title or, if compliance cannot be achieved, improve the quality of the drinking water.”.

(3) In subsection (b)(1)(A)—

(A) by striking “(including increments of progress)” and inserting “(including increments of progress or measures to develop an alternative source of water supply); and

(B) by striking “requirement and treatment” and inserting “requirement or treatment”.

(4) In subsection (b)(2)—

(A) by striking “(except as provided in subparagraph (B))” in subparagraph (A) and all that follows through “3 years after the date of the issuance of the exemption if” in subparagraph (B) and inserting the following: “not

later than 3 years after the otherwise applicable compliance date established in section 1412(b)(10).

“(B) No exemption shall be granted unless”;

(B) in subparagraph (B)(i), by striking “within the period of such exemption” and inserting “prior to the date established pursuant to section 1412(b)(10)”;

(C) in subparagraph (B)(ii), by inserting after “such financial assistance” the following: “or assistance pursuant to section 1452, or any other Federal or State program is reasonably likely to be available within the period of the exemption”;

(D) in subparagraph (C)—

(i) by striking “500 service connections” and inserting “a population of 3,300”; and

(ii) by inserting “, but not to exceed a total of 6 years,” after “for one or more additional 2-year periods”; and

(E) by adding at the end the following:

“(D) LIMITATION.—A public water system may not receive an exemption under this section if the system was granted a variance under section 1415(e).”

(b) LIMITED ADDITIONAL COMPLIANCE PERIOD.—(1) The State of New York, on a case-by-case basis and after notice and an opportunity of at least 60 days for public comment, may allow an additional period for compliance with the Surface Water Treatment Rule established pursuant to section 1412(b)(7)(C) of the Safe Drinking Water Act in the case of unfiltered systems in Essex, Columbia, Greene, Dutchess, Rensselaer, Schoharie, Saratoga, Washington, and Warren Counties serving a population of less than 5,000, which meet appropriate disinfection requirements and have adequate watershed protections, so long as the State determines that the public health will be protected during the duration of the additional compliance period and the system agrees to implement appropriate control measures as determined by the State.

(2) The additional compliance period referred to in paragraph (1) shall expire on the earlier of the date 3 years after the date on which the Administrator identifies appropriate control technology for the Surface Water Treatment Rule for public water systems in the category that includes such system pursuant to section 1412(b)(4)(E) of the Safe Drinking Water Act or 5 years after the date of enactment of the Safe Drinking Water Act Amendments of 1996.

Expiration.

#### SEC. 118. LEAD PLUMBING AND PIPES.

Section 1417 (42 U.S.C. 300g-6) is amended as follows:

(1) In subsection (a), by striking paragraph (1) and inserting the following:

“(1) PROHIBITIONS.—

“(A) IN GENERAL.—No person may use any pipe, any pipe or plumbing fitting or fixture, any solder, or any flux, after June 19, 1986, in the installation or repair of—

“(i) any public water system; or

“(ii) any plumbing in a residential or nonresidential facility providing water for human consumption,

that is not lead free (within the meaning of subsection (d)).

“(B) LEADED JOINTS.—Subparagraph (A) shall not apply to leaded joints necessary for the repair of cast iron pipes.”.

(2) In subsection (a)(2)(A), by inserting “owner or operator of a” after “Each”.

(3) By adding at the end of subsection (a) the following:

Effective date.

“(3) UNLAWFUL ACTS.—Effective 2 years after the date of enactment of this paragraph, it shall be unlawful—

“(A) for any person to introduce into commerce any pipe, or any pipe or plumbing fitting or fixture, that is not lead free, except for a pipe that is used in manufacturing or industrial processing;

“(B) for any person engaged in the business of selling plumbing supplies, except manufacturers, to sell solder or flux that is not lead free; or

“(C) for any person to introduce into commerce any solder or flux that is not lead free unless the solder or flux bears a prominent label stating that it is illegal to use the solder or flux in the installation or repair of any plumbing providing water for human consumption.”.

(4) In subsection (d)—

(A) by striking “lead, and” in paragraph (1) and inserting “lead;”;

(B) by striking “lead.” in paragraph (2) and inserting “lead; and”; and

(C) by adding at the end the following:

“(3) when used with respect to plumbing fittings and fixtures, refers to plumbing fittings and fixtures in compliance with standards established in accordance with subsection (e).”.

(5) By adding at the end the following:

“(e) PLUMBING FITTINGS AND FIXTURES.—

“(1) IN GENERAL.—The Administrator shall provide accurate and timely technical information and assistance to qualified third-party certifiers in the development of voluntary standards and testing protocols for the leaching of lead from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion.

“(2) STANDARDS.—

“(A) IN GENERAL.—If a voluntary standard for the leaching of lead is not established by the date that is 1 year after the date of enactment of this subsection, the Administrator shall, not later than 2 years after the date of enactment of this subsection, promulgate regulations setting a health-effects-based performance standard establishing maximum leaching levels from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion. The standard shall become effective on the date that is 5 years after the date of promulgation of the standard.

Effective date.

“(B) ALTERNATIVE REQUIREMENT.—If regulations are required to be promulgated under subparagraph (A) and have not been promulgated by the date that is 5 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a new plumbing fitting or fixture, intended by the

manufacturer to dispense water for human ingestion, that contains more than 4 percent lead by dry weight.”.

**SEC. 119. CAPACITY DEVELOPMENT.**

Part B (42 U.S.C. 300g et seq.) is amended by adding after section 1419 the following:

**“CAPACITY DEVELOPMENT**

**“SEC. 1420. (a) STATE AUTHORITY FOR NEW SYSTEMS.—**A State shall receive only 80 percent of the allotment that the State is otherwise entitled to receive under section 1452 (relating to State loan funds) unless the State has obtained the legal authority or other means to ensure that all new community water systems and new nontransient, noncommunity water systems commencing operation after October 1, 1999, demonstrate technical, managerial, and financial capacity with respect to each national primary drinking water regulation in effect, or likely to be in effect, on the date of commencement of operations. 42 USC 300g-9.

**“(b) SYSTEMS IN SIGNIFICANT NONCOMPLIANCE.—**

**“(1) LIST.—**Beginning not later than 1 year after the date of enactment of this section, each State shall prepare, periodically update, and submit to the Administrator a list of community water systems and nontransient, noncommunity water systems that have a history of significant noncompliance with this title (as defined in guidelines issued prior to the date of enactment of this section or any revisions of the guidelines that have been made in consultation with the States) and, to the extent practicable, the reasons for noncompliance.

**“(2) REPORT.—**Not later than 5 years after the date of enactment of this section and as part of the capacity development strategy of the State, each State shall report to the Administrator on the success of enforcement mechanisms and initial capacity development efforts in assisting the public water systems listed under paragraph (1) to improve technical, managerial, and financial capacity.

**“(3) WITHHOLDING.—**The list and report under this subsection shall be considered part of the capacity development strategy of the State required under subsection (c) of this section for purposes of the withholding requirements of section 1452(a)(1)(G)(i) (relating to State loan funds).

**“(c) CAPACITY DEVELOPMENT STRATEGY.—**

**“(1) IN GENERAL.—**Beginning 4 years after the date of enactment of this section, a State shall receive only—

**“(A) 90 percent in fiscal year 2001;**

**“(B) 85 percent in fiscal year 2002; and**

**“(C) 80 percent in each subsequent fiscal year,**

of the allotment that the State is otherwise entitled to receive under section 1452 (relating to State loan funds), unless the State is developing and implementing a strategy to assist public water systems in acquiring and maintaining technical, managerial, and financial capacity.

**“(2) CONTENT.—**In preparing the capacity development strategy, the State shall consider, solicit public comment on, and include as appropriate—

**“(A) the methods or criteria that the State will use to identify and prioritize the public water systems most**

in need of improving technical, managerial, and financial capacity;

“(B) a description of the institutional, regulatory, financial, tax, or legal factors at the Federal, State, or local level that encourage or impair capacity development;

“(C) a description of how the State will use the authorities and resources of this title or other means to—

“(i) assist public water systems in complying with national primary drinking water regulations;

“(ii) encourage the development of partnerships between public water systems to enhance the technical, managerial, and financial capacity of the systems; and

“(iii) assist public water systems in the training and certification of operators;

“(D) a description of how the State will establish a baseline and measure improvements in capacity with respect to national primary drinking water regulations and State drinking water law; and

“(E) an identification of the persons that have an interest in and are involved in the development and implementation of the capacity development strategy (including all appropriate agencies of Federal, State, and local governments, private and nonprofit public water systems, and public water system customers).

“(3) REPORT.—Not later than 2 years after the date on which a State first adopts a capacity development strategy under this subsection, and every 3 years thereafter, the head of the State agency that has primary responsibility to carry out this title in the State shall submit to the Governor a report that shall also be available to the public on the efficacy of the strategy and progress made toward improving the technical, managerial, and financial capacity of public water systems in the State.

“(4) REVIEW.—The decisions of the State under this section regarding any particular public water system are not subject to review by the Administrator and may not serve as the basis for withholding funds under section 1452.

“(d) FEDERAL ASSISTANCE.—

“(1) IN GENERAL.—The Administrator shall support the States in developing capacity development strategies.

“(2) INFORMATIONAL ASSISTANCE.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator shall—

“(i) conduct a review of State capacity development efforts in existence on the date of enactment of this section and publish information to assist States and public water systems in capacity development efforts; and

“(ii) initiate a partnership with States, public water systems, and the public to develop information for States on recommended operator certification requirements.

“(B) PUBLICATION OF INFORMATION.—The Administrator shall publish the information developed through the partnership under subparagraph (A)(ii) not later than 18 months after the date of enactment of this section.

Review.  
Publication.

"(3) PROMULGATION OF DRINKING WATER REGULATIONS.—In promulgating a national primary drinking water regulation, the Administrator shall include an analysis of the likely effect of compliance with the regulation on the technical, financial, and managerial capacity of public water systems.

"(4) GUIDANCE FOR NEW SYSTEMS.—Not later than 2 years after the date of enactment of this section, the Administrator shall publish guidance developed in consultation with the States describing legal authorities and other means to ensure that all new community water systems and new nontransient, non-community water systems demonstrate technical, managerial, and financial capacity with respect to national primary drinking water regulations. Publication.

"(e) VARIANCES AND EXEMPTIONS.—Based on information obtained under subsection (c)(3), the Administrator shall, as appropriate, modify regulations concerning variances and exemptions for small public water systems to ensure flexibility in the use of the variances and exemptions. Nothing in this subsection shall be interpreted, construed, or applied to affect or alter the requirements of section 1415 or 1416.

"(f) SMALL PUBLIC WATER SYSTEMS TECHNOLOGY ASSISTANCE CENTERS.—

"(1) GRANT PROGRAM.—The Administrator is authorized to make grants to institutions of higher learning to establish and operate small public water system technology assistance centers in the United States.

"(2) RESPONSIBILITIES OF THE CENTERS.—The responsibilities of the small public water system technology assistance centers established under this subsection shall include the conduct of training and technical assistance relating to the information, performance, and technical needs of small public water systems or public water systems that serve Indian Tribes.

"(3) APPLICATIONS.—Any institution of higher learning interested in receiving a grant under this subsection shall submit to the Administrator an application in such form and containing such information as the Administrator may require by regulation.

"(4) SELECTION CRITERIA.—The Administrator shall select recipients of grants under this subsection on the basis of the following criteria:

"(A) The small public water system technology assistance center shall be located in a State that is representative of the needs of the region in which the State is located for addressing the drinking water needs of small and rural communities or Indian Tribes.

"(B) The grant recipient shall be located in a region that has experienced problems, or may reasonably be foreseen to experience problems, with small and rural public water systems.

"(C) The grant recipient shall have access to expertise in small public water system technology management.

"(D) The grant recipient shall have the capability to disseminate the results of small public water system technology and training programs.

"(E) The projects that the grant recipient proposes to carry out under the grant are necessary and appropriate.

“(F) The grant recipient has regional support beyond the host institution.

“(5) CONSORTIA OF STATES.—At least 2 of the grants under this subsection shall be made to consortia of States with low population densities.

“(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this subsection \$2,000,000 for each of the fiscal years 1997 through 1999, and \$5,000,000 for each of the fiscal years 2000 through 2003.

“(g) ENVIRONMENTAL FINANCE CENTERS.—

“(1) IN GENERAL.—The Administrator shall provide initial funding for one or more university-based environmental finance centers for activities that provide technical assistance to State and local officials in developing the capacity of public water systems. Any such funds shall be used only for activities that are directly related to this title.

Establishment.

“(2) NATIONAL CAPACITY DEVELOPMENT CLEARINGHOUSE.—The Administrator shall establish a national public water system capacity development clearinghouse to receive and disseminate information with respect to developing, improving, and maintaining financial and managerial capacity at public water systems. The Administrator shall ensure that the clearinghouse does not duplicate other federally supported clearinghouse activities.

“(3) CAPACITY DEVELOPMENT TECHNIQUES.—The Administrator may request an environmental finance center funded under paragraph (1) to develop and test managerial, financial, and institutional techniques for capacity development. The techniques may include capacity assessment methodologies, manual and computer based public water system rate models and capital planning models, public water system consolidation procedures, and regionalization models.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$1,500,000 for each of the fiscal years 1997 through 2003.

“(5) LIMITATION.—No portion of any funds made available under this subsection may be used for lobbying expenses.”

#### SEC. 120. AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN GROUND WATER PROGRAMS.

(a) CRITICAL AQUIFER PROTECTION.—Section 1427 (42 U.S.C. 300h-6) is amended as follows:

(1) Subsection (b)(1) is amended by striking “not later than 24 months after the enactment of the Safe Drinking Water Act Amendments of 1986”.

(2) The table in subsection (m) is amended by adding at the end the following:

“1992-2003 .....	15,000,000.”.
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(b) WELLHEAD PROTECTION AREAS.—The table in section 1428(k) (42 U.S.C. 300h-7(k)) is amended by adding at the end the following:

“1992-2003 .....	30,000,000.”.
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(c) UNDERGROUND INJECTION CONTROL GRANT.—The table in section 1443(b)(5) (42 U.S.C. 300j-2(b)(5)) is amended by adding at the end the following:

“1992-2003 ..... 15,000,000.”.

#### SEC. 121. AMENDMENTS TO SECTION 1442.

Section 1442 (42 U.S.C. 300j-1) is amended—

(1) by redesignating paragraph (3) of subsection (b) as paragraph (3) of subsection (d) and moving such paragraph to appear after paragraph (2) of subsection (d);

(2) by striking subsection (b) (as so amended);

(3) by redesignating subparagraph (B) of subsection (a)(2) as subsection (b) and moving such subsection to appear after subsection (a);

(4) in subsection (a)—

(A) by striking paragraph (2) (as so amended) and inserting the following:

“(2) INFORMATION AND RESEARCH FACILITIES.—In carrying out this title, the Administrator is authorized to—

“(A) collect and make available information pertaining to research, investigations, and demonstrations with respect to providing a dependably safe supply of drinking water, together with appropriate recommendations in connection with the information; and

“(B) make available research facilities of the Agency to appropriate public authorities, institutions, and individuals engaged in studies and research relating to this title.”;

(B) by striking paragraph (3); and

(C) by redesignating paragraph (11) as paragraph (3) and moving such paragraph to appear before paragraph (4).

#### SEC. 122. TECHNICAL ASSISTANCE.

Section 1442(e) (42 U.S.C. 300j-1(e)) is amended to read as follows:

“(e) TECHNICAL ASSISTANCE.—The Administrator may provide technical assistance to small public water systems to enable such systems to achieve and maintain compliance with applicable national primary drinking water regulations. Such assistance may include circuit-rider and multi-State regional technical assistance programs, training, and preliminary engineering evaluations. The Administrator shall ensure that technical assistance pursuant to this subsection is available in each State. Each nonprofit organization receiving assistance under this subsection shall consult with the State in which the assistance is to be expended or otherwise made available before using assistance to undertake activities to carry out this subsection. There are authorized to be appropriated to the Administrator to be used for such technical assistance \$15,000,000 for each of the fiscal years 1997 through 2003. No portion of any State loan fund established under section 1452 (relating to State loan funds) and no portion of any funds made available under this subsection may be used for lobbying expenses. Of the total amount appropriated under this subsection, 3 percent shall be used for technical assistance to public water systems owned or operated by Indian Tribes.”.

Nonprofit  
organizations.

Appropriation  
authorization.

**SEC. 123. OPERATOR CERTIFICATION.**

Part B (42 U.S.C. 300g et seq.) is amended by adding the following after section 1418:

**"OPERATOR CERTIFICATION**

Federal Register,  
publication.  
42 USC 300g-8.

"SEC. 1419. (a) **GUIDELINES.**—Not later than 30 months after the date of enactment of the Safe Drinking Water Act Amendments of 1996 and in cooperation with the States, the Administrator shall publish guidelines in the Federal Register, after notice and opportunity for comment from interested persons, including States and public water systems, specifying minimum standards for certification (and recertification) of the operators of community and nontransient noncommunity public water systems. Such guidelines shall take into account existing State programs, the complexity of the system, and other factors aimed at providing an effective program at reasonable cost to States and public water systems, taking into account the size of the system.

"(b) **STATE PROGRAMS.**—Beginning 2 years after the date on which the Administrator publishes guidelines under subsection (a), the Administrator shall withhold 20 percent of the funds a State is otherwise entitled to receive under section 1452 unless the State has adopted and is implementing a program for the certification of operators of community and nontransient noncommunity public water systems that meets the requirements of the guidelines published pursuant to subsection (a) or that has been submitted in compliance with subsection (c) and that has not been disapproved.

"(c) **EXISTING PROGRAMS.**—For any State exercising primary enforcement responsibility for public water systems or any other State which has an operator certification program, the guidelines under subsection (a) shall allow the State to enforce such program in lieu of the guidelines under subsection (a) if the State submits the program to the Administrator within 18 months after the publication of the guidelines unless the Administrator determines (within 9 months after the State submits the program to the Administrator) that such program is not substantially equivalent to such guidelines. In making this determination, an existing State program shall be presumed to be substantially equivalent to the guidelines, notwithstanding program differences, based on the size of systems or the quality of source water, providing the State program meets the overall public health objectives of the guidelines. If disapproved, the program may be resubmitted within 6 months after receipt of notice of disapproval.

**"(d) EXPENSE REIMBURSEMENT.—**

"(1) **IN GENERAL.**—The Administrator shall provide reimbursement for the costs of training, including an appropriate per diem for unsalaried operators, and certification for persons operating systems serving 3,300 persons or fewer that are required to undergo training pursuant to this section.

"(2) **STATE GRANTS.**—The reimbursement shall be provided through grants to States with each State receiving an amount sufficient to cover the reasonable costs for training all such operators in the State, as determined by the Administrator, to the extent required by this section. Grants received by a State pursuant to this paragraph shall first be used to provide reimbursement for training and certification costs of persons operating systems serving 3,300 persons or fewer. If a State

has reimbursed all such costs, the State may, after notice to the Administrator, use any remaining funds from the grant for any of the other purposes authorized for grants under section 1452.

“(3) AUTHORIZATION.—There are authorized to be appropriated to the Administrator to provide grants for reimbursement under this section \$30,000,000 for each of fiscal years 1997 through 2003.

“(4) RESERVATION.—If the appropriation made pursuant to paragraph (3) for any fiscal year is not sufficient to satisfy the requirements of paragraph (1), the Administrator shall, prior to any other allocation or reservation, reserve such sums as necessary from the funds appropriated pursuant to section 1452(m) to provide reimbursement for the training and certification costs mandated by this subsection.”.

#### SEC. 124. PUBLIC WATER SYSTEM SUPERVISION PROGRAM.

Section 1443(a) (42 U.S.C. 300j-2(a)) is amended as follows:

(1) Paragraph (7) is amended to read as follows:

“(7) AUTHORIZATION.—For the purpose of making grants under paragraph (1), there are authorized to be appropriated \$100,000,000 for each of fiscal years 1997 through 2003.”.

(2) By adding at the end the following:

“(8) RESERVATION OF FUNDS BY THE ADMINISTRATOR.—If the Administrator assumes the primary enforcement responsibility of a State public water system supervision program, the Administrator may reserve from funds made available pursuant to this subsection an amount equal to the amount that would otherwise have been provided to the State pursuant to this subsection. The Administrator shall use the funds reserved pursuant to this paragraph to ensure the full and effective administration of a public water system supervision program in the State.

“(9) STATE LOAN FUNDS.—

“(A) RESERVATION OF FUNDS.—For any fiscal year for which the amount made available to the Administrator by appropriations to carry out this subsection is less than the amount that the Administrator determines is necessary to supplement funds made available pursuant to paragraph (8) to ensure the full and effective administration of a public water system supervision program in a State, the Administrator may reserve from the funds made available to the State under section 1452 (relating to State loan funds) an amount that is equal to the amount of the shortfall. This paragraph shall not apply to any State not exercising primary enforcement responsibility for public water systems as of the date of enactment of the Safe Drinking Water Act Amendments of 1996.

“(B) DUTY OF ADMINISTRATOR.—If the Administrator reserves funds from the allocation of a State under subparagraph (A), the Administrator shall carry out in the State each of the activities that would be required of the State if the State had primary enforcement authority under section 1413.”.

#### SEC. 125. MONITORING AND INFORMATION GATHERING.

(a) REVIEW OF EXISTING REQUIREMENTS.—Paragraph (1) of section 1445(a) (42 U.S.C. 300j-4(a)(1)) is amended to read as follows:

## Records.

"(1)(A) Every person who is subject to any requirement of this title or who is a grantee, shall establish and maintain such records, make such reports, conduct such monitoring, and provide such information as the Administrator may reasonably require by regulation to assist the Administrator in establishing regulations under this title, in determining whether such person has acted or is acting in compliance with this title, in administering any program of financial assistance under this title, in evaluating the health risks of unregulated contaminants, or in advising the public of such risks. In requiring a public water system to monitor under this subsection, the Administrator may take into consideration the system size and the contaminants likely to be found in the system's drinking water.

"(B) Every person who is subject to a national primary drinking water regulation under section 1412 shall provide such information as the Administrator may reasonably require, after consultation with the State in which such person is located if such State has primary enforcement responsibility for public water systems, on a case-by-case basis, to determine whether such person has acted or is acting in compliance with this title.

"(C) Every person who is subject to a national primary drinking water regulation under section 1412 shall provide such information as the Administrator may reasonably require to assist the Administrator in establishing regulations under section 1412 of this title, after consultation with States and suppliers of water. The Administrator may not require under this subparagraph the installation of treatment equipment or process changes, the testing of treatment technology, or the analysis or processing of monitoring samples, except where the Administrator provides the funding for such activities. Before exercising this authority, the Administrator shall first seek to obtain the information by voluntary submission.

## Regulations.

"(D) The Administrator shall not later than 2 years after the date of enactment of this subparagraph, after consultation with public health experts, representatives of the general public, and officials of State and local governments, review the monitoring requirements for not fewer than 12 contaminants identified by the Administrator, and promulgate any necessary modifications."

(b) MONITORING RELIEF.—Part B is amended by adding the following new section after section 1417 (42 U.S.C. 300g-6):

## "MONITORING OF CONTAMINANTS

42 USC 300g-7.

"SEC. 1418. (a) INTERIM MONITORING RELIEF AUTHORITY.—

"(1) IN GENERAL.—A State exercising primary enforcement responsibility for public water systems may modify the monitoring requirements for any regulated or unregulated contaminants for which monitoring is required other than microbial contaminants (or indicators thereof), disinfectants and disinfection byproducts or corrosion byproducts for an interim period to provide that any public water system serving 10,000 persons or fewer shall not be required to conduct additional quarterly monitoring during an interim relief period for such contaminants if—

"(A) monitoring, conducted at the beginning of the period for the contaminant concerned and certified to the State by the public water system, fails to detect the presence of the contaminant in the ground or surface water supplying the public water system; and

“(B) the State, considering the hydrogeology of the area and other relevant factors, determines in writing that the contaminant is unlikely to be detected by further monitoring during such period.

“(2) TERMINATION; TIMING OF MONITORING.—The interim relief period referred to in paragraph (1) shall terminate when permanent monitoring relief is adopted and approved for such State, or at the end of 36 months after the date of enactment of the Safe Drinking Water Act Amendments of 1996, whichever comes first. In order to serve as a basis for interim relief, the monitoring conducted at the beginning of the period must occur at the time determined by the State to be the time of the public water system’s greatest vulnerability to the contaminant concerned in the relevant ground or surface water, taking into account in the case of pesticides the time of application of the pesticide for the source water area and the travel time for the pesticide to reach such waters and taking into account, in the case of other contaminants, seasonality of precipitation and contaminant travel time.

“(b) PERMANENT MONITORING RELIEF AUTHORITY.—

“(1) IN GENERAL.—Each State exercising primary enforcement responsibility for public water systems under this title and having an approved source water assessment program may adopt, in accordance with guidance published by the Administrator, tailored alternative monitoring requirements for public water systems in such State (as an alternative to the monitoring requirements for chemical contaminants set forth in the applicable national primary drinking water regulations) where the State concludes that (based on data available at the time of adoption concerning susceptibility, use, occurrence, or wellhead protection, or from the State’s drinking water source water assessment program) such alternative monitoring would provide assurance that it complies with the Administrator’s guidelines. The State program must be adequate to assure compliance with, and enforcement of, applicable national primary drinking water regulations. Alternative monitoring shall not apply to regulated microbiological contaminants (or indicators thereof), disinfectants and disinfection byproducts, or corrosion byproducts. The preceding sentence is not intended to limit other authority of the Administrator under other provisions of this title to grant monitoring flexibility.

“(2) GUIDELINES.—

“(A) IN GENERAL.—The Administrator shall issue, after notice and comment and at the same time as guidelines are issued for source water assessment under section 1453, guidelines for States to follow in proposing alternative monitoring requirements under paragraph (1) for chemical contaminants. The Administrator shall publish such guidelines in the Federal Register. The guidelines shall assure that the public health will be protected from drinking water contamination. The guidelines shall require that a State alternative monitoring program apply on a contaminant-by-contaminant basis and that, to be eligible for such alternative monitoring program, a public water system must show the State that the contaminant is not present in the drinking water supply or, if present, it is reliably and consistently below the maximum contaminant level.

Federal Register,  
publication.

“(B) DEFINITION.—For purposes of subparagraph (A), the phrase ‘reliably and consistently below the maximum contaminant level’ means that, although contaminants have been detected in a water supply, the State has sufficient knowledge of the contamination source and extent of contamination to predict that the maximum contaminant level will not be exceeded. In determining that a contaminant is reliably and consistently below the maximum contaminant level, States shall consider the quality and completeness of data, the length of time covered and the volatility or stability of monitoring results during that time, and the proximity of such results to the maximum contaminant level. Wide variations in the analytical results, or analytical results close to the maximum contaminant level, shall not be considered to be reliably and consistently below the maximum contaminant level.

“(3) EFFECT OF DETECTION OF CONTAMINANTS.—The guidelines issued by the Administrator under paragraph (2) shall require that if, after the monitoring program is in effect and operating, a contaminant covered by the alternative monitoring program is detected at levels at or above the maximum contaminant level or is no longer reliably or consistently below the maximum contaminant level, the public water system must either—

“(A) demonstrate that the contamination source has been removed or that other action has been taken to eliminate the contamination problem; or

“(B) test for the detected contaminant pursuant to the applicable national primary drinking water regulation.

“(4) STATES NOT EXERCISING PRIMARY ENFORCEMENT RESPONSIBILITY.—The Governor of any State not exercising primary enforcement responsibility under section 1413 on the date of enactment of this section may submit to the Administrator a request that the Administrator modify the monitoring requirements established by the Administrator and applicable to public water systems in that State. After consultation with the Governor, the Administrator shall modify the requirements for public water systems in that State if the request of the Governor is in accordance with each of the requirements of this subsection that apply to alternative monitoring requirements established by States that have primary enforcement responsibility. A decision by the Administrator to approve a request under this clause shall be for a period of 3 years and may subsequently be extended for periods of 5 years.

“(c) TREATMENT AS NPDWR.—All monitoring relief granted by a State to a public water system for a regulated contaminant under subsection (a) or (b) shall be treated as part of the national primary drinking water regulation for that contaminant.

“(d) OTHER MONITORING RELIEF.—Nothing in this section shall be construed to affect the authority of the States under applicable national primary drinking water regulations to alter monitoring requirements through waivers or other existing authorities. The Administrator shall periodically review and, as appropriate, revise such authorities.”

(c) UNREGULATED CONTAMINANTS.—Section 1445(a) (42 U.S.C. 300j-4(a)) is amended by striking paragraphs (2) through (8) and inserting the following:

“(2) MONITORING PROGRAM FOR UNREGULATED CONTAMINANTS.—

“(A) ESTABLISHMENT.—The Administrator shall promulgate regulations establishing the criteria for a monitoring program for unregulated contaminants. The regulations shall require monitoring of drinking water supplied by public water systems and shall vary the frequency and schedule for monitoring requirements for systems based on the number of persons served by the system, the source of supply, and the contaminants likely to be found, ensuring that only a representative sample of systems serving 10,000 persons or fewer are required to monitor.

Regulations.

“(B) MONITORING PROGRAM FOR CERTAIN UNREGULATED CONTAMINANTS.—

“(i) INITIAL LIST.—Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1996 and every 5 years thereafter, the Administrator shall issue a list pursuant to subparagraph (A) of not more than 30 unregulated contaminants to be monitored by public water systems and to be included in the national drinking water occurrence data base maintained pursuant to subsection (g).

Records.

“(ii) GOVERNORS’ PETITION.—The Administrator shall include among the list of contaminants for which monitoring is required under this paragraph each contaminant recommended in a petition signed by the Governor of each of 7 or more States, unless the Administrator determines that the action would prevent the listing of other contaminants of a higher public health concern.

“(C) MONITORING PLAN FOR SMALL AND MEDIUM SYSTEMS.—

“(i) IN GENERAL.—Based on the regulations promulgated by the Administrator, each State may develop a representative monitoring plan to assess the occurrence of unregulated contaminants in public water systems that serve a population of 10,000 or fewer in that State. The plan shall require monitoring for systems representative of different sizes, types, and geographic locations in the State.

“(ii) GRANTS FOR SMALL SYSTEM COSTS.—From funds reserved under section 1452(o) or appropriated under subparagraph (H), the Administrator shall pay the reasonable cost of such testing and laboratory analysis as are necessary to carry out monitoring under the plan.

“(D) MONITORING RESULTS.—Each public water system that conducts monitoring of unregulated contaminants pursuant to this paragraph shall provide the results of the monitoring to the primary enforcement authority for the system.

“(E) NOTIFICATION.—Notification of the availability of the results of monitoring programs required under paragraph (2)(A) shall be given to the persons served by the system.

“(F) WAIVER OF MONITORING REQUIREMENT.—The Administrator shall waive the requirement for monitoring for a contaminant under this paragraph in a State, if the State demonstrates that the criteria for listing the contaminant do not apply in that State.

“(G) ANALYTICAL METHODS.—The State may use screening methods approved by the Administrator under subsection (i) in lieu of monitoring for particular contaminants under this paragraph.

“(H) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph \$10,000,000 for each of the fiscal years 1997 through 2003.”.

(d) SCREENING METHODS.—Section 1445 (42 U.S.C. 300j-4) is amended by adding the following after subsection (h):

“(i) SCREENING METHODS.—The Administrator shall review new analytical methods to screen for regulated contaminants and may approve such methods as are more accurate or cost-effective than established reference methods for use in compliance monitoring.”.

#### SEC. 126. OCCURRENCE DATA BASE.

Section 1445 (42 U.S.C. 300j-4) is amended by adding the following new subsection after subsection (f):

“(g) OCCURRENCE DATA BASE.—

“(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1996, the Administrator shall assemble and maintain a national drinking water contaminant occurrence data base, using information on the occurrence of both regulated and unregulated contaminants in public water systems obtained under subsection (a)(1)(A) or subsection (a)(2) and reliable information from other public and private sources.

“(2) PUBLIC INPUT.—In establishing the occurrence data base, the Administrator shall solicit recommendations from the Science Advisory Board, the States, and other interested parties concerning the development and maintenance of a national drinking water contaminant occurrence data base, including such issues as the structure and design of the data base, data input parameters and requirements, and the use and interpretation of data.

“(3) USE.—The data shall be used by the Administrator in making determinations under section 1412(b)(1) with respect to the occurrence of a contaminant in drinking water at a level of public health concern.

“(4) PUBLIC RECOMMENDATIONS.—The Administrator shall periodically solicit recommendations from the appropriate officials of the National Academy of Sciences and the States, and any person may submit recommendations to the Administrator, with respect to contaminants that should be included in the national drinking water contaminant occurrence data base, including recommendations with respect to additional unregulated contaminants that should be listed under subsection (a)(2). Any recommendation submitted under this clause shall be accompanied by reasonable documentation that—

“(A) the contaminant occurs or is likely to occur in drinking water; and

“(B) the contaminant poses a risk to public health.

“(5) PUBLIC AVAILABILITY.—The information from the data base shall be available to the public in readily accessible form.

“(6) REGULATED CONTAMINANTS.—With respect to each contaminant for which a national primary drinking water regulation has been established, the data base shall include information on the detection of the contaminant at a quantifiable level in public water systems (including detection of the contaminant at levels not constituting a violation of the maximum contaminant level for the contaminant).

“(7) UNREGULATED CONTAMINANTS.—With respect to contaminants for which a national primary drinking water regulation has not been established, the data base shall include—

“(A) monitoring information collected by public water systems that serve a population of more than 10,000, as required by the Administrator under subsection (a);

“(B) monitoring information collected from a representative sampling of public water systems that serve a population of 10,000 or fewer; and

“(C) other reliable and appropriate monitoring information on the occurrence of the contaminants in public water systems that is available to the Administrator.”.

#### SEC. 127. DRINKING WATER ADVISORY COUNCIL.

The second sentence of section 1446(a) (42 U.S.C. 300j-6(a)) is amended by inserting before the period at the end the following: “, of which two such members shall be associated with small, rural public water systems”.

42 USC 300j-5.

#### SEC. 128. NEW YORK CITY WATERSHED PROTECTION PROGRAM.

Section 1443 (42 U.S.C. 300j-2) is amended by adding at the end the following:

“(d) NEW YORK CITY WATERSHED PROTECTION PROGRAM.—

“(1) IN GENERAL.—The Administrator is authorized to provide financial assistance to the State of New York for demonstration projects implemented as part of the watershed program for the protection and enhancement of the quality of source waters of the New York City water supply system, including projects that demonstrate, assess, or provide for comprehensive monitoring and surveillance and projects necessary to comply with the criteria for avoiding filtration contained in 40 CFR 141.71. Demonstration projects which shall be eligible for financial assistance shall be certified to the Administrator by the State of New York as satisfying the purposes of this subsection. In certifying projects to the Administrator, the State of New York shall give priority to monitoring projects that have undergone peer review.

“(2) REPORT.—Not later than 5 years after the date on which the Administrator first provides assistance pursuant to this paragraph, the Governor of the State of New York shall submit a report to the Administrator on the results of projects assisted.

“(3) MATCHING REQUIREMENTS.—Federal assistance provided under this subsection shall not exceed 50 percent of the total cost of the protection program being carried out for any particular watershed or ground water recharge area.

“(4) AUTHORIZATION.—There are authorized to be appropriated to the Administrator to carry out this subsection for

each of fiscal years 1997 through 2003, \$15,000,000 for the purpose of providing assistance to the State of New York to carry out paragraph (1).”.

**SEC. 129. FEDERAL AGENCIES.**

(a) **IN GENERAL.**—Section 1447 (42 U.S.C. 300j-6) is amended by redesignating subsection (c) as subsection (d) and by striking subsections (a) and (b) and inserting the following:

“(a) **IN GENERAL.**—Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government—

“(1) owning or operating any facility in a wellhead protection area;

“(2) engaged in any activity at such facility resulting, or which may result, in the contamination of water supplies in any such area;

“(3) owning or operating any public water system; or

“(4) engaged in any activity resulting, or which may result in, underground injection which endangers drinking water (within the meaning of section 1421(d)(2)),

shall be subject to, and comply with, all Federal, State, interstate, and local requirements, both substantive and procedural (including any requirement for permits or reporting or any provisions for injunctive relief and such sanctions as may be imposed by a court to enforce such relief), respecting the protection of such wellhead areas, respecting such public water systems, and respecting any underground injection in the same manner and to the same extent as any person is subject to such requirements, including the payment of reasonable service charges. The Federal, State, interstate, and local substantive and procedural requirements referred to in this subsection include, but are not limited to, all administrative orders and all civil and administrative penalties and fines, regardless of whether such penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations. The United States hereby expressly waives any immunity otherwise applicable to the United States with respect to any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order or civil or administrative penalty or fine referred to in the preceding sentence, or reasonable service charge). The reasonable service charges referred to in this subsection include, but are not limited to, fees or charges assessed in connection with the processing and issuance of permits, renewal of permits, amendments to permits, review of plans, studies, and other documents, and inspection and monitoring of facilities, as well as any other nondiscriminatory charges that are assessed in connection with a Federal, State, interstate, or local regulatory program respecting the protection of wellhead areas or public water systems or respecting any underground injection. Neither the United States, nor any agent, employee, or officer thereof, shall be immune or exempt from any process or sanction of any State or Federal Court with respect to the enforcement of any such injunctive relief. No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local law concerning the protection of wellhead areas or public water systems or concerning underground injection with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

An agent, employee, or officer of the United States shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State requirement adopted pursuant to this title, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction. The President may exempt any facility of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of 1 year, but additional exemptions may be granted for periods not to exceed 1 year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption.

President.  
Reports.

**"(b) ADMINISTRATIVE PENALTY ORDERS.—**

**"(1) IN GENERAL.—**If the Administrator finds that a Federal agency has violated an applicable requirement under this title, the Administrator may issue a penalty order assessing a penalty against the Federal agency.

**"(2) PENALTIES.—**The Administrator may, after notice to the agency, assess a civil penalty against the agency in an amount not to exceed \$25,000 per day per violation.

**"(3) PROCEDURE.—**Before an administrative penalty order issued under this subsection becomes final, the Administrator shall provide the agency an opportunity to confer with the Administrator and shall provide the agency notice and an opportunity for a hearing on the record in accordance with chapters 5 and 7 of title 5, United States Code.

**"(4) PUBLIC REVIEW.—**

**"(A) IN GENERAL.—**Any interested person may obtain review of an administrative penalty order issued under this subsection. The review may be obtained in the United States District Court for the District of Columbia or in the United States District Court for the district in which the violation is alleged to have occurred by the filing of a complaint with the court within the 30-day period beginning on the date the penalty order becomes final. The person filing the complaint shall simultaneously send a copy of the complaint by certified mail to the Administrator and the Attorney General.

**"(B) RECORD.—**The Administrator shall promptly file in the court a certified copy of the record on which the order was issued.

**"(C) STANDARD OF REVIEW.—**The court shall not set aside or remand the order unless the court finds that there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or that the assessment of the penalty by the Administrator constitutes an abuse of discretion.

**"(D) PROHIBITION ON ADDITIONAL PENALTIES.—**The court may not impose an additional civil penalty for a

violation that is subject to the order unless the court finds that the assessment constitutes an abuse of discretion by the Administrator.

“(c) **LIMITATION ON STATE USE OF FUNDS COLLECTED FROM FEDERAL GOVERNMENT.**—Unless a State law in effect on the date of enactment of the Safe Drinking Water Act Amendments of 1996 or a State constitution requires the funds to be used in a different manner, all funds collected by a State from the Federal Government from penalties and fines imposed for violation of any substantive or procedural requirement referred to in subsection (a) shall be used by the State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.”.

(b) **CITIZEN ENFORCEMENT.**—(1) The first sentence of section 1449(a) (42 U.S.C. 300j-8(a)) is amended—

(A) in paragraph (1), by striking “, or” and inserting a semicolon;

(B) in paragraph (2), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(3) for the collection of a penalty by the United States Government (and associated costs and interest) against any Federal agency that fails, by the date that is 18 months after the effective date of a final order to pay a penalty assessed by the Administrator under section 1429(b), to pay the penalty.”.

(2) Subsection (b) of section 1449 (42 U.S.C. 300j-8(b)) is amended by striking the period at the end of paragraph (2) and inserting “; or” and by adding the following new paragraph after paragraph (2):

“(3) under subsection (a)(3) prior to 60 days after the plaintiff has given notice of such action to the Attorney General and to the Federal agency.”.

(c) **WASHINGTON AQUEDUCT.**—Section 1447 (42 U.S.C. 300j-6) is amended by adding at the end the following:

“(e) **WASHINGTON AQUEDUCT.**—The Secretary of the Army shall not pass the cost of any penalty assessed under this title on to any customer, user, or other purchaser of drinking water from the Washington Aqueduct system, including finished water from the Dalecarlia or McMillan treatment plant.”.

#### **SEC. 130. STATE REVOLVING LOAN FUNDS.**

Part E (42 U.S.C. 300j et seq.) is amended by adding the following new section after section 1451:

##### **“STATE REVOLVING LOAN FUNDS**

42 USC 300j-12.

**“SEC. 1452. (a) GENERAL AUTHORITY.**—

**“(1) GRANTS TO STATES TO ESTABLISH STATE LOAN FUNDS.**—

**“(A) IN GENERAL.**—The Administrator shall offer to enter into agreements with eligible States to make capitalization grants, including letters of credit, to the States under this subsection to further the health protection objectives of this title, promote the efficient use of fund resources, and for other purposes as are specified in this title.

**“(B) ESTABLISHMENT OF FUND.**—To be eligible to receive a capitalization grant under this section, a State shall

establish a drinking water treatment revolving loan fund (referred to in this section as a 'State loan fund') and comply with the other requirements of this section. Each grant to a State under this section shall be deposited in the State loan fund established by the State, except as otherwise provided in this section and in other provisions of this title. No funds authorized by other provisions of this title to be used for other purposes specified in this title shall be deposited in any State loan fund.

"(C) EXTENDED PERIOD.—The grant to a State shall be available to the State for obligation during the fiscal year for which the funds are authorized and during the following fiscal year, except that grants made available from funds provided prior to fiscal year 1997 shall be available for obligation during each of the fiscal years 1997 and 1998.

"(D) ALLOTMENT FORMULA.—Except as otherwise provided in this section, funds made available to carry out this section shall be allotted to States that have entered into an agreement pursuant to this section (other than the District of Columbia) in accordance with—

"(i) for each of fiscal years 1995 through 1997, a formula that is the same as the formula used to distribute public water system supervision grant funds under section 1443 in fiscal year 1995, except that the minimum proportionate share established in the formula shall be 1 percent of available funds and the formula shall be adjusted to include a minimum proportionate share for the State of Wyoming and the District of Columbia; and

"(ii) for fiscal year 1998 and each subsequent fiscal year, a formula that allocates to each State the proportional share of the State needs identified in the most recent survey conducted pursuant to subsection (h), except that the minimum proportionate share provided to each State shall be the same as the minimum proportionate share provided under clause (i).

"(E) REALLOTMENT.—The grants not obligated by the last day of the period for which the grants are available shall be reallocated according to the appropriate criteria set forth in subparagraph (D), except that the Administrator may reserve and allocate 10 percent of the remaining amount for financial assistance to Indian Tribes in addition to the amount allotted under subsection (i) and none of the funds reallocated by the Administrator shall be reallocated to any State that has not obligated all sums allotted to the State pursuant to this section during the period in which the sums were available for obligation.

"(F) NONPRIMACY STATES.—The State allotment for a State not exercising primary enforcement responsibility for public water systems shall not be deposited in any such fund but shall be allotted by the Administrator under this subparagraph. Pursuant to section 1443(a)(9)(A) such sums allotted under this subparagraph shall be reserved as needed by the Administrator to exercise primary enforcement responsibility under this title in such State and the remainder shall be reallocated to States exercising primary

enforcement responsibility for public water systems for deposit in such funds. Whenever the Administrator makes a final determination pursuant to section 1413(b) that the requirements of section 1413(a) are no longer being met by a State, additional grants for such State under this title shall be immediately terminated by the Administrator. This subparagraph shall not apply to any State not exercising primary enforcement responsibility for public water systems as of the date of enactment of the Safe Drinking Water Act Amendments of 1996.

“(G) OTHER PROGRAMS.—

“(i) NEW SYSTEM CAPACITY.—Beginning in fiscal year 1999, the Administrator shall withhold 20 percent of each capitalization grant made pursuant to this section to a State unless the State has met the requirements of section 1420(a) (relating to capacity development) and shall withhold 10 percent for fiscal year 2001, 15 percent for fiscal year 2002, and 20 percent for fiscal year 2003 if the State has not complied with the provisions of section 1420(c) (relating to capacity development strategies). Not more than a total of 20 percent of the capitalization grants made to a State in any fiscal year may be withheld under the preceding provisions of this clause. All funds withheld by the Administrator pursuant to this clause shall be reallocated by the Administrator on the basis of the same ratio as is applicable to funds allotted under subparagraph (D). None of the funds reallocated by the Administrator pursuant to this paragraph shall be allotted to a State unless the State has met the requirements of section 1420 (relating to capacity development).

“(ii) OPERATOR CERTIFICATION.—The Administrator shall withhold 20 percent of each capitalization grant made pursuant to this section unless the State has met the requirements of 1419 (relating to operator certification). All funds withheld by the Administrator pursuant to this clause shall be reallocated by the Administrator on the basis of the same ratio as applicable to funds allotted under subparagraph (D). None of the funds reallocated by the Administrator pursuant to this paragraph shall be allotted to a State unless the State has met the requirements of section 1419 (relating to operator certification).

“(2) USE OF FUNDS.—Except as otherwise authorized by this title, amounts deposited in a State loan fund, including loan repayments and interest earned on such amounts, shall be used only for providing loans or loan guarantees, or as a source of reserve and security for leveraged loans, the proceeds of which are deposited in a State loan fund established under paragraph (1), or other financial assistance authorized under this section to community water systems and nonprofit noncommunity water systems, other than systems owned by Federal agencies. Financial assistance under this section may be used by a public water system only for expenditures (not including monitoring, operation, and maintenance expenditures) of a type or category which the Administrator has determined, through guidance, will facilitate compliance with

national primary drinking water regulations applicable to the system under section 1412 or otherwise significantly further the health protection objectives of this title. The funds may also be used to provide loans to a system referred to in section 1401(4)(B) for the purpose of providing the treatment described in section 1401(4)(B)(i)(III). The funds shall not be used for the acquisition of real property or interests therein, unless the acquisition is integral to a project authorized by this paragraph and the purchase is from a willing seller. Of the amount credited to any State loan fund established under this section in any fiscal year, 15 percent shall be available solely for providing loan assistance to public water systems which regularly serve fewer than 10,000 persons to the extent such funds can be obligated for eligible projects of public water systems.

“(3) LIMITATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), no assistance under this section shall be provided to a public water system that—

“(i) does not have the technical, managerial, and financial capability to ensure compliance with the requirements of this title; or

“(ii) is in significant noncompliance with any requirement of a national primary drinking water regulation or variance.

“(B) RESTRUCTURING.—A public water system described in subparagraph (A) may receive assistance under this section if—

“(i) the use of the assistance will ensure compliance; and

“(ii) if subparagraph (A)(i) applies to the system, the owner or operator of the system agrees to undertake feasible and appropriate changes in operations (including ownership, management, accounting, rates, maintenance, consolidation, alternative water supply, or other procedures) if the State determines that the measures are necessary to ensure that the system has the technical, managerial, and financial capability to comply with the requirements of this title over the long term.

“(C) REVIEW.—Prior to providing assistance under this section to a public water system that is in significant noncompliance with any requirement of a national primary drinking water regulation or variance, the State shall conduct a review to determine whether subparagraph (A)(i) applies to the system.

“(b) INTENDED USE PLANS.—

“(1) IN GENERAL.—After providing for public review and comment, each State that has entered into a capitalization agreement pursuant to this section shall annually prepare a plan that identifies the intended uses of the amounts available to the State loan fund of the State.

“(2) CONTENTS.—An intended use plan shall include—

“(A) a list of the projects to be assisted in the first fiscal year that begins after the date of the plan, including a description of the project, the expected terms of financial assistance, and the size of the community served;

“(B) the criteria and methods established for the distribution of funds; and

“(C) a description of the financial status of the State loan fund and the short-term and long-term goals of the State loan fund.

“(3) USE OF FUNDS.—

“(A) IN GENERAL.—An intended use plan shall provide, to the maximum extent practicable, that priority for the use of funds be given to projects that—

“(i) address the most serious risk to human health;

“(ii) are necessary to ensure compliance with the requirements of this title (including requirements for filtration); and

“(iii) assist systems most in need on a per household basis according to State affordability criteria.

“(B) LIST OF PROJECTS.—Each State shall, after notice and opportunity for public comment, publish and periodically update a list of projects in the State that are eligible for assistance under this section, including the priority assigned to each project and, to the extent known, the expected funding schedule for each project.

“(c) FUND MANAGEMENT.—Each State loan fund under this section shall be established, maintained, and credited with repayments and interest. The fund corpus shall be available in perpetuity for providing financial assistance under this section. To the extent amounts in the fund are not required for current obligation or expenditure, such amounts shall be invested in interest bearing obligations.

“(d) ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—

“(1) LOAN SUBSIDY.—Notwithstanding any other provision of this section, in any case in which the State makes a loan pursuant to subsection (a)(2) to a disadvantaged community or to a community that the State expects to become a disadvantaged community as the result of a proposed project, the State may provide additional subsidization (including forgiveness of principal).

“(2) TOTAL AMOUNT OF SUBSIDIES.—For each fiscal year, the total amount of loan subsidies made by a State pursuant to paragraph (1) may not exceed 30 percent of the amount of the capitalization grant received by the State for the year.

“(3) DEFINITION OF DISADVANTAGED COMMUNITY.—In this subsection, the term ‘disadvantaged community’ means the service area of a public water system that meets affordability criteria established after public review and comment by the State in which the public water system is located. The Administrator may publish information to assist States in establishing affordability criteria.

“(e) STATE CONTRIBUTION.—Each agreement under subsection (a) shall require that the State deposit in the State loan fund from State moneys an amount equal to at least 20 percent of the total amount of the grant to be made to the State on or before the date on which the grant payment is made to the State, except that a State shall not be required to deposit such amount into the fund prior to the date on which each grant payment is made for fiscal years 1994, 1995, 1996, and 1997 if the State deposits the State contribution amount into the State loan fund prior to September 30, 1999.

Publications.  
Records.

“(f) TYPES OF ASSISTANCE.—Except as otherwise limited by State law, the amounts deposited into a State loan fund under this section may be used only—

“(1) to make loans, on the condition that—

“(A) the interest rate for each loan is less than or equal to the market interest rate, including an interest free loan;

“(B) principal and interest payments on each loan will commence not later than 1 year after completion of the project for which the loan was made, and each loan will be fully amortized not later than 20 years after the completion of the project, except that in the case of a disadvantaged community (as defined in subsection (d)(3)), a State may provide an extended term for a loan, if the extended term—

“(i) terminates not later than the date that is 30 years after the date of project completion; and

“(ii) does not exceed the expected design life of the project;

“(C) the recipient of each loan will establish a dedicated source of revenue (or, in the case of a privately owned system, demonstrate that there is adequate security) for the repayment of the loan; and

“(D) the State loan fund will be credited with all payments of principal and interest on each loan;

“(2) to buy or refinance the debt obligation of a municipality or an intermunicipal or interstate agency within the State at an interest rate that is less than or equal to the market interest rate in any case in which a debt obligation is incurred after July 1, 1993;

“(3) to guarantee, or purchase insurance for, a local obligation (all of the proceeds of which finance a project eligible for assistance under this section) if the guarantee or purchase would improve credit market access or reduce the interest rate applicable to the obligation;

“(4) as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State if the proceeds of the sale of the bonds will be deposited into the State loan fund; and

“(5) to earn interest on the amounts deposited into the State loan fund.

“(g) ADMINISTRATION OF STATE LOAN FUNDS.—

“(1) COMBINED FINANCIAL ADMINISTRATION.—Notwithstanding subsection (c), a State may (as a convenience and to avoid unnecessary administrative costs) combine, in accordance with State law, the financial administration of a State loan fund established under this section with the financial administration of any other revolving fund established by the State if otherwise not prohibited by the law under which the State loan fund was established and if the Administrator determines that—

“(A) the grants under this section, together with loan repayments and interest, will be separately accounted for and used solely for the purposes specified in subsection (a); and

“(B) the authority to establish assistance priorities and carry out oversight and related activities (other than financial administration) with respect to assistance remains with

the State agency having primary responsibility for administration of the State program under section 1413, after consultation with other appropriate State agencies (as determined by the State): *Provided*, That in nonprimacy States eligible to receive assistance under this section, the Governor shall determine which State agency will have authority to establish priorities for financial assistance from the State loan fund.

"(2) COST OF ADMINISTERING FUND.—Each State may annually use up to 4 percent of the funds allotted to the State under this section to cover the reasonable costs of administration of the programs under this section, including the recovery of reasonable costs expended to establish a State loan fund which are incurred after the date of enactment of this section, and to provide technical assistance to public water systems within the State. For fiscal year 1995 and each fiscal year thereafter, each State may use up to an additional 10 percent of the funds allotted to the State under this section—

"(A) for public water system supervision programs under section 1443(a);

"(B) to administer or provide technical assistance through source water protection programs;

"(C) to develop and implement a capacity development strategy under section 1420(c); and

"(D) for an operator certification program for purposes of meeting the requirements of section 1419, if the State matches the expenditures with at least an equal amount of State funds. At least half of the match must be additional to the amount expended by the State for public water supervision in fiscal year 1993. An additional 2 percent of the funds annually allotted to each State under this section may be used by the State to provide technical assistance to public water systems serving 10,000 or fewer persons in the State. Funds utilized under subparagraph (B) shall not be used for enforcement actions.

Publication.

"(3) GUIDANCE AND REGULATIONS.—The Administrator shall publish guidance and promulgate regulations as may be necessary to carry out the provisions of this section, including—

"(A) provisions to ensure that each State commits and expends funds allotted to the State under this section as efficiently as possible in accordance with this title and applicable State laws;

"(B) guidance to prevent waste, fraud, and abuse; and

"(C) guidance to avoid the use of funds made available under this section to finance the expansion of any public water system in anticipation of future population growth. The guidance and regulations shall also ensure that the States, and public water systems receiving assistance under this section, use accounting, audit, and fiscal procedures that conform to generally accepted accounting standards.

"(4) STATE REPORT.—Each State administering a loan fund and assistance program under this subsection shall publish and submit to the Administrator a report every 2 years on its activities under this section, including the findings of the most recent audit of the fund and the entire State allotment. The Administrator shall periodically audit all State loan funds established by, and all other amounts allotted to, the States

pursuant to this section in accordance with procedures established by the Comptroller General.

“(h) NEEDS SURVEY.—The Administrator shall conduct an assessment of water system capital improvement needs of all eligible public water systems in the United States and submit a report to the Congress containing the results of the assessment within 180 days after the date of enactment of the Safe Drinking Water Act Amendments of 1996 and every 4 years thereafter. Reports.

“(i) INDIAN TRIBES.—

“(1) IN GENERAL.—1½ percent of the amounts appropriated annually to carry out this section may be used by the Administrator to make grants to Indian Tribes and Alaska Native villages that have not otherwise received either grants from the Administrator under this section or assistance from State loan funds established under this section. The grants may only be used for expenditures by tribes and villages for public water system expenditures referred to in subsection (a)(2).

“(2) USE OF FUNDS.—Funds reserved pursuant to paragraph (1) shall be used to address the most significant threats to public health associated with public water systems that serve Indian Tribes, as determined by the Administrator in consultation with the Director of the Indian Health Service and Indian Tribes.

“(3) ALASKA NATIVE VILLAGES.—In the case of a grant for a project under this subsection in an Alaska Native village, the Administrator is also authorized to make grants to the State of Alaska for the benefit of Native villages. An amount not to exceed 4 percent of the grant amount may be used by the State of Alaska for project management.

“(4) NEEDS ASSESSMENT.—The Administrator, in consultation with the Director of the Indian Health Service and Indian Tribes, shall, in accordance with a schedule that is consistent with the needs surveys conducted pursuant to subsection (h), prepare surveys and assess the needs of drinking water treatment facilities to serve Indian Tribes, including an evaluation of the public water systems that pose the most significant threats to public health.

“(j) OTHER AREAS.—Of the funds annually available under this section for grants to States, the Administrator shall make allotments in accordance with section 1443(a)(4) for the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and Guam. The grants allotted as provided in this subsection may be provided by the Administrator to the governments of such areas, to public water systems in such areas, or to both, to be used for the public water system expenditures referred to in subsection (a)(2). The grants, and grants for the District of Columbia, shall not be deposited in State loan funds. The total allotment of grants under this section for all areas described in this subsection in any fiscal year shall not exceed 0.33 percent of the aggregate amount made available to carry out this section in that fiscal year.

“(k) OTHER AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—Notwithstanding subsection (a)(2), a State may take each of the following actions:

“(A) Provide assistance, only in the form of a loan, to one or more of the following:

“(i) Any public water system described in subsection (a)(2) to acquire land or a conservation easement from a willing seller or grantor, if the purpose of the acquisition is to protect the source water of the system from contamination and to ensure compliance with national primary drinking water regulations.

“(ii) Any community water system to implement local, voluntary source water protection measures to protect source water in areas delineated pursuant to section 1453, in order to facilitate compliance with national primary drinking water regulations applicable to the system under section 1412 or otherwise significantly further the health protection objectives of this title. Funds authorized under this clause may be used to fund only voluntary, incentive-based mechanisms.

“(iii) Any community water system to provide funding in accordance with section 1454(a)(1)(B)(i).

“(B) Provide assistance, including technical and financial assistance, to any public water system as part of a capacity development strategy developed and implemented in accordance with section 1420(c).

“(C) Make expenditures from the capitalization grant of the State for fiscal years 1996 and 1997 to delineate and assess source water protection areas in accordance with section 1453, except that funds set aside for such expenditure shall be obligated within 4 fiscal years.

“(D) Make expenditures from the fund for the establishment and implementation of wellhead protection programs under section 1428.

“(2) LIMITATION.—For each fiscal year, the total amount of assistance provided and expenditures made by a State under this subsection may not exceed 15 percent of the amount of the capitalization grant received by the State for that year and may not exceed 10 percent of that amount for any one of the following activities:

“(A) To acquire land or conservation easements pursuant to paragraph (1)(A)(i).

“(B) To provide funding to implement voluntary, incentive-based source water quality protection measures pursuant to clauses (ii) and (iii) of paragraph (1)(A).

“(C) To provide assistance through a capacity development strategy pursuant to paragraph (1)(B).

“(D) To make expenditures to delineate or assess source water protection areas pursuant to paragraph (1)(C).

“(E) To make expenditures to establish and implement wellhead protection programs pursuant to paragraph (1)(D).

“(3) STATUTORY CONSTRUCTION.—Nothing in this section creates or conveys any new authority to a State, political subdivision of a State, or community water system for any new regulatory measure, or limits any authority of a State, political subdivision of a State or community water system.

“(l) SAVINGS.—The failure or inability of any public water system to receive funds under this section or any other loan or grant program, or any delay in obtaining the funds, shall not alter the obligation of the system to comply in a timely manner with all applicable drinking water standards and requirements of this title.

“(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the purposes of this section \$599,000,000 for the fiscal year 1994 and \$1,000,000,000 for each of the fiscal years 1995 through 2003. To the extent amounts authorized to be appropriated under this subsection in any fiscal year are not appropriated in that fiscal year, such amounts are authorized to be appropriated in a subsequent fiscal year (prior to the fiscal year 2004). Such sums shall remain available until expended.

“(n) HEALTH EFFECTS STUDIES.—From funds appropriated pursuant to this section for each fiscal year, the Administrator shall reserve \$10,000,000 for health effects studies on drinking water contaminants authorized by the Safe Drinking Water Act Amendments of 1996. In allocating funds made available under this subsection, the Administrator shall give priority to studies concerning the health effects of cryptosporidium (as authorized by section 1458(c)), disinfection byproducts (as authorized by section 1458(c)), and arsenic (as authorized by section 1412(b)(12)(A)), and the implementation of a plan for studies of subpopulations at greater risk of adverse effects (as authorized by section 1458(a)).

“(o) MONITORING FOR UNREGULATED CONTAMINANTS.—From funds appropriated pursuant to this section for each fiscal year beginning with fiscal year 1998, the Administrator shall reserve \$2,000,000 to pay the costs of monitoring for unregulated contaminants under section 1445(a)(2)(C).

“(p) DEMONSTRATION PROJECT FOR STATE OF VIRGINIA.—Notwithstanding the other provisions of this section limiting the use of funds deposited in a State loan fund from any State allotment, the State of Virginia may, as a single demonstration and with the approval of the Virginia General Assembly and the Administrator, conduct a program to demonstrate alternative approaches to intergovernmental coordination to assist in the financing of new drinking water facilities in the following rural communities in southwestern Virginia where none exists on the date of enactment of the Safe Drinking Water Act Amendments of 1996 and where such communities are experiencing economic hardship: Lee County, Wise County, Scott County, Dickenson County, Russell County, Buchanan County, Tazewell County, and the city of Norton, Virginia. The funds allotted to that State and deposited in the State loan fund may be loaned to a regional endowment fund for the purpose set forth in this subsection under a plan to be approved by the Administrator. The plan may include an advisory group that includes representatives of such counties.

“(q) SMALL SYSTEM TECHNICAL ASSISTANCE.—The Administrator may reserve up to 2 percent of the total funds appropriated pursuant to subsection (m) for each of the fiscal years 1997 through 2003 to carry out the provisions of section 1442(e) (relating to technical assistance for small systems), except that the total amount of funds made available for such purpose in any fiscal year through appropriations (as authorized by section 1442(e)) and reservations made pursuant to this subsection shall not exceed the amount authorized by section 1442(e).

“(r) EVALUATION.—The Administrator shall conduct an evaluation of the effectiveness of the State loan funds through fiscal year 2001. The evaluation shall be submitted to the Congress at the same time as the President submits to the Congress, pursuant to section 1108 of title 31, United States Code, an appropriations

request for fiscal year 2003 relating to the budget of the Environmental Protection Agency.”

**SEC. 131. STATE GROUND WATER PROTECTION GRANTS.**

Part C (42 U.S.C. 300h et seq.) is amended by adding at the end the following:

**“STATE GROUND WATER PROTECTION GRANTS**

Publication.  
Regulations.  
42 USC 300h-8.

“SEC. 1429. (a) **IN GENERAL.**—The Administrator may make a grant to a State for the development and implementation of a State program to ensure the coordinated and comprehensive protection of ground water resources within the State.

“(b) **GUIDANCE.**—Not later than 1 year after the date of enactment of the Safe Drinking Water Act Amendments of 1996, and annually thereafter, the Administrator shall publish guidance that establishes procedures for application for State ground water protection program assistance and that identifies key elements of State ground water protection programs.

“(c) **CONDITIONS OF GRANTS.**—

“(1) **IN GENERAL.**—The Administrator shall award grants to States that submit an application that is approved by the Administrator. The Administrator shall determine the amount of a grant awarded pursuant to this paragraph on the basis of an assessment of the extent of ground water resources in the State and the likelihood that awarding the grant will result in sustained and reliable protection of ground water quality.

“(2) **INNOVATIVE PROGRAM GRANTS.**—The Administrator may also award a grant pursuant to this subsection for innovative programs proposed by a State for the prevention of ground water contamination.

“(3) **ALLOCATION OF FUNDS.**—The Administrator shall, at a minimum, ensure that, for each fiscal year, not less than 1 percent of funds made available to the Administrator by appropriations to carry out this section are allocated to each State that submits an application that is approved by the Administrator pursuant to this section.

“(4) **LIMITATION ON GRANTS.**—No grant awarded by the Administrator may be used for a project to remediate ground water contamination.

“(d) **AMOUNT OF GRANTS.**—The amount of a grant awarded pursuant to paragraph (1) shall not exceed 50 percent of the eligible costs of carrying out the ground water protection program that is the subject of the grant (as determined by the Administrator) for the 1-year period beginning on the date that the grant is awarded. The State shall pay a State share to cover the costs of the ground water protection program from State funds in an amount that is not less than 50 percent of the cost of conducting the program.

“(e) **EVALUATIONS AND REPORTS.**—Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1996, and every 3 years thereafter, the Administrator shall evaluate the State ground water protection programs that are the subject of grants awarded pursuant to this section and report to the Congress on the status of ground water quality in the United States and the effectiveness of State programs for ground water protection.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 1997 through 2003.”.

**SEC. 132. SOURCE WATER ASSESSMENT.**

(a) IN GENERAL.—Part E (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

“SOURCE WATER QUALITY ASSESSMENT

“SEC. 1453. (a) SOURCE WATER ASSESSMENT.—

“(1) GUIDANCE.—Within 12 months after the date of enactment of the Safe Drinking Water Act Amendments of 1996, after notice and comment, the Administrator shall publish guidance for States exercising primary enforcement responsibility for public water systems to carry out directly or through delegation (for the protection and benefit of public water systems and for the support of monitoring flexibility) a source water assessment program within the State’s boundaries. Each State adopting modifications to monitoring requirements pursuant to section 1418(b) shall, prior to adopting such modifications, have an approved source water assessment program under this section and shall carry out the program either directly or through delegation.

42 USC 300j-13.  
Publication.

“(2) PROGRAM REQUIREMENTS.—A source water assessment program under this subsection shall—

“(A) delineate the boundaries of the assessment areas in such State from which one or more public water systems in the State receive supplies of drinking water, using all reasonably available hydrogeologic information on the sources of the supply of drinking water in the State and the water flow, recharge, and discharge and any other reliable information as the State deems necessary to adequately determine such areas; and

“(B) identify for contaminants regulated under this title for which monitoring is required under this title (or any unregulated contaminants selected by the State, in its discretion, which the State, for the purposes of this subsection, has determined may present a threat to public health), to the extent practical, the origins within each delineated area of such contaminants to determine the susceptibility of the public water systems in the delineated area to such contaminants.

“(3) APPROVAL, IMPLEMENTATION, AND MONITORING RELIEF.—A State source water assessment program under this subsection shall be submitted to the Administrator within 18 months after the Administrator’s guidance is issued under this subsection and shall be deemed approved 9 months after the date of such submittal unless the Administrator disapproves the program as provided in section 1428(c). States shall begin implementation of the program immediately after its approval. The Administrator’s approval of a State program under this subsection shall include a timetable, established in consultation with the State, allowing not more than 2 years for completion after approval of the program. Public water systems seeking monitoring relief in addition to the interim relief provided under section 1418(a) shall be eligible for monitoring relief, consistent with section 1418(b), upon completion of the assess-

ment in the delineated source water assessment area or areas concerned.

"(4) **TIMETABLE.**—The timetable referred to in paragraph (3) shall take into consideration the availability to the State of funds under section 1452 (relating to State loan funds) for assessments and other relevant factors. The Administrator may extend any timetable included in a State program approved under paragraph (3) to extend the period for completion by an additional 18 months.

"(5) **DEMONSTRATION PROJECT.**—The Administrator shall, as soon as practicable, conduct a demonstration project, in consultation with other Federal agencies, to demonstrate the most effective and protective means of assessing and protecting source waters serving large metropolitan areas and located on Federal lands.

"(6) **USE OF OTHER PROGRAMS.**—To avoid duplication and to encourage efficiency, the program under this section may make use of any of the following:

"(A) Vulnerability assessments, sanitary surveys, and monitoring programs.

"(B) Delineations or assessments of ground water sources under a State wellhead protection program developed pursuant to this section.

"(C) Delineations or assessments of surface or ground water sources under a State pesticide management plan developed pursuant to the Pesticide and Ground Water State Management Plan Regulation (subparts I and J of part 152 of title 40, Code of Federal Regulations), promulgated under section 3(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(d)).

"(D) Delineations or assessments of surface water sources under a State watershed initiative or to satisfy the watershed criterion for determining if filtration is required under the Surface Water Treatment Rule (section 141.70 of title 40, Code of Federal Regulations).

"(E) Delineations or assessments of surface or ground water sources under programs or plans pursuant to the Federal Water Pollution Control Act.

"(7) **PUBLIC AVAILABILITY.**—The State shall make the results of the source water assessments conducted under this subsection available to the public.

"(b) **APPROVAL AND DISAPPROVAL.**—For provisions relating to program approval and disapproval, see section 1428(c)."

(b) **APPROVAL AND DISAPPROVAL OF STATE PROGRAMS.**—Section 1428 (42 U.S.C. 300h-7) is amended as follows:

(1) Amend the first sentence of subsection (c)(1) to read as follows: "If, in the judgment of the Administrator, a State program or portion thereof under subsection (a) is not adequate to protect public water systems as required by subsection (a) or a State program under section 1453 or section 1418(b) does not meet the applicable requirements of section 1453 or section 1418(b), the Administrator shall disapprove such program or portion thereof."

(2) Add after the second sentence of subsection (c)(1) the following: "A State program developed pursuant to section 1453 or section 1418(b) shall be deemed to meet the applicable requirements of section 1453 or section 1418(b) unless the

Administrator determines within 9 months of the receipt of the program that such program (or portion thereof) does not meet such requirements.”.

(3) In the third sentence of subsection (c)(1) and in subsection (c)(2), strike “is inadequate” and insert “is disapproved”.

(4) In subsection (b), add the following before the period at the end of the first sentence: “and source water assessment programs under section 1453”.

#### SEC. 133. SOURCE WATER PETITION PROGRAM.

(a) IN GENERAL.—Part E (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

##### “SOURCE WATER PETITION PROGRAM

#### “SEC. 1454. (a) PETITION PROGRAM.—

##### “(1) IN GENERAL.—

42 USC 300j-14.

“(A) ESTABLISHMENT.—A State may establish a program under which an owner or operator of a community water system in the State, or a municipal or local government or political subdivision of a State, may submit a source water quality protection partnership petition to the State requesting that the State assist in the local development of a voluntary, incentive-based partnership, among the owner, operator, or government and other persons likely to be affected by the recommendations of the partnership, to—

“(i) reduce the presence in drinking water of contaminants that may be addressed by a petition by considering the origins of the contaminants, including to the maximum extent practicable the specific activities that affect the drinking water supply of a community;

“(ii) obtain financial or technical assistance necessary to facilitate establishment of a partnership, or to develop and implement recommendations of a partnership for the protection of source water to assist in the provision of drinking water that complies with national primary drinking water regulations with respect to contaminants addressed by a petition; and

“(iii) develop recommendations regarding voluntary and incentive-based strategies for the long-term protection of the source water of community water systems.

##### “(B) FUNDING.—Each State may—

“(i) use funds set aside pursuant to section 1452(k)(1)(A)(iii) by the State to carry out a program described in subparagraph (A), including assistance to voluntary local partnerships for the development and implementation of partnership recommendations for the protection of source water such as source water quality assessment, contingency plans, and demonstration projects for partners within a source water area delineated under section 1453(a); and

“(ii) provide assistance in response to a petition submitted under this subsection using funds referred to in subsection (b)(2)(B).

“(2) OBJECTIVES.—The objectives of a petition submitted under this subsection shall be to—

“(A) facilitate the local development of voluntary, incentive-based partnerships among owners and operators of community water systems, governments, and other persons in source water areas; and

“(B) obtain assistance from the State in identifying resources which are available to implement the recommendations of the partnerships to address the origins of drinking water contaminants that may be addressed by a petition (including to the maximum extent practicable the specific activities contributing to the presence of the contaminants) that affect the drinking water supply of a community.

“(3) CONTAMINANTS ADDRESSED BY A PETITION.—A petition submitted to a State under this subsection may address only those contaminants—

“(A) that are pathogenic organisms for which a national primary drinking water regulation has been established or is required under section 1412; or

“(B) for which a national primary drinking water regulation has been promulgated or proposed and that are detected by adequate monitoring methods in the source water at the intake structure or in any collection, treatment, storage, or distribution facilities by the community water systems at levels—

“(i) above the maximum contaminant level; or

“(ii) that are not reliably and consistently below the maximum contaminant level.

“(4) CONTENTS.—A petition submitted under this subsection shall, at a minimum—

“(A) include a delineation of the source water area in the State that is the subject of the petition;

“(B) identify, to the maximum extent practicable, the origins of the drinking water contaminants that may be addressed by a petition (including to the maximum extent practicable the specific activities contributing to the presence of the contaminants) in the source water area delineated under section 1453;

“(C) identify any deficiencies in information that will impair the development of recommendations by the voluntary local partnership to address drinking water contaminants that may be addressed by a petition;

“(D) specify the efforts made to establish the voluntary local partnership and obtain the participation of—

“(i) the municipal or local government or other political subdivision of the State with jurisdiction over the source water area delineated under section 1453; and

“(ii) each person in the source water area delineated under section 1453—

“(I) who is likely to be affected by recommendations of the voluntary local partnership; and

“(II) whose participation is essential to the success of the partnership;

“(E) outline how the voluntary local partnership has or will, during development and implementation of recommendations of the voluntary local partnership, identify, recognize and take into account any voluntary or other activities already being undertaken by persons in the source water area delineated under section 1453 under Federal or State law to reduce the likelihood that contaminants will occur in drinking water at levels of public health concern; and

“(F) specify the technical, financial, or other assistance that the voluntary local partnership requests of the State to develop the partnership or to implement recommendations of the partnership.

“(b) APPROVAL OR DISAPPROVAL OF PETITIONS.—

“(1) IN GENERAL.—After providing notice and an opportunity for public comment on a petition submitted under subsection (a), the State shall approve or disapprove the petition, in whole or in part, not later than 120 days after the date of submission of the petition.

“(2) APPROVAL.—The State may approve a petition if the petition meets the requirements established under subsection (a). The notice of approval shall, at a minimum, include for informational purposes—

“(A) an identification of technical, financial, or other assistance that the State will provide to assist in addressing the drinking water contaminants that may be addressed by a petition based on—

“(i) the relative priority of the public health concern identified in the petition with respect to the other water quality needs identified by the State;

“(ii) any necessary coordination that the State will perform of the program established under this section with programs implemented or planned by other States under this section; and

“(iii) funds available (including funds available from a State revolving loan fund established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.)) or section 1452;

“(B) a description of technical or financial assistance pursuant to Federal and State programs that is available to assist in implementing recommendations of the partnership in the petition, including—

“(i) any program established under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

“(ii) the program established under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b);

“(iii) the agricultural water quality protection program established under chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.);

“(iv) the sole source aquifer protection program established under section 1427;

“(v) the community wellhead protection program established under section 1428;

“(vi) any pesticide or ground water management plan;

“(vii) any voluntary agricultural resource management plan or voluntary whole farm or whole ranch management plan developed and implemented under a process established by the Secretary of Agriculture; and

“(viii) any abandoned well closure program; and

“(C) a description of activities that will be undertaken to coordinate Federal and State programs to respond to the petition.

Notification.

“(3) DISAPPROVAL.—If the State disapproves a petition submitted under subsection (a), the State shall notify the entity submitting the petition in writing of the reasons for disapproval. A petition may be resubmitted at any time if—

“(A) new information becomes available;

“(B) conditions affecting the source water that is the subject of the petition change; or

“(C) modifications are made in the type of assistance being requested.

“(c) GRANTS TO SUPPORT STATE PROGRAMS.—

“(1) IN GENERAL.—The Administrator may make a grant to each State that establishes a program under this section that is approved under paragraph (2). The amount of each grant shall not exceed 50 percent of the cost of administering the program for the year in which the grant is available.

“(2) APPROVAL.—In order to receive grant assistance under this subsection, a State shall submit to the Administrator for approval a plan for a source water quality protection partnership program that is consistent with the guidance published under subsection (d). The Administrator shall approve the plan if the plan is consistent with the guidance published under subsection (d).

“(d) GUIDANCE.—

Publication.

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator, in consultation with the States, shall publish guidance to assist—

“(A) States in the development of a source water quality protection partnership program; and

“(B) municipal or local governments or political subdivisions of a State and community water systems in the development of source water quality protection partnerships and in the assessment of source water quality.

“(2) CONTENTS OF THE GUIDANCE.—The guidance shall, at a minimum—

“(A) recommend procedures for the approval or disapproval by a State of a petition submitted under subsection (a);

“(B) recommend procedures for the submission of petitions developed under subsection (a);

“(C) recommend criteria for the assessment of source water areas within a State; and

“(D) describe technical or financial assistance pursuant to Federal and State programs that is available to address the contamination of sources of drinking water and to develop and respond to petitions submitted under subsection (a).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$5,000,000 for each

of the fiscal years 1997 through 2003. Each State with a plan for a program approved under subsection (b) shall receive an equitable portion of the funds available for any fiscal year.

“(f) STATUTORY CONSTRUCTION.—Nothing in this section—

“(1)(A) creates or conveys new authority to a State, political subdivision of a State, or community water system for any new regulatory measure; or

“(B) limits any authority of a State, political subdivision, or community water system; or

“(2) precludes a community water system, municipal or local government, or political subdivision of a government from locally developing and carrying out a voluntary, incentive-based, source water quality protection partnership to address the origins of drinking water contaminants of public health concern.”.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that each State in establishing priorities under section 606(c)(1) of the Federal Water Pollution Control Act should give special consideration to projects that are eligible for funding under that Act and have been recommended pursuant to a petition submitted under section 1454 of the Safe Drinking Water Act.

#### SEC. 134. WATER CONSERVATION PLAN.

Part E (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

##### “WATER CONSERVATION PLAN

“SEC. 1455. (a) GUIDELINES.—Not later than 2 years after the date of enactment of the Safe Drinking Water Act Amendments of 1996, the Administrator shall publish in the Federal Register guidelines for water conservation plans for public water systems serving fewer than 3,300 persons, public water systems serving between 3,300 and 10,000 persons, and public water systems serving more than 10,000 persons, taking into consideration such factors as water availability and climate.

Federal Register,  
publication.  
42 USC 300j-15.

“(b) LOANS OR GRANTS.—Within 1 year after publication of the guidelines under subsection (a), a State exercising primary enforcement responsibility for public water systems may require a public water system, as a condition of receiving a loan or grant from a State loan fund under section 1452, to submit with its application for such loan or grant a water conservation plan consistent with such guidelines.”.

#### SEC. 135. DRINKING WATER ASSISTANCE TO COLONIAS.

Part E (42 U.S.C. 300j et seq.) is amended by adding the following new section at the end thereof:

##### “ASSISTANCE TO COLONIAS

“SEC. 1456. (a) DEFINITIONS.—As used in this section:

42 USC 300j-16.

“(1) BORDER STATE.—The term ‘border State’ means Arizona, California, New Mexico, and Texas.

“(2) ELIGIBLE COMMUNITY.—The term ‘eligible community’ means a low-income community with economic hardship that—

“(A) is commonly referred to as a colonia;

“(B) is located along the United States-Mexico border (generally in an unincorporated area); and

“(C) lacks a safe drinking water supply or adequate facilities for the provision of safe drinking water for human consumption.

“(b) GRANTS TO ALLEVIATE HEALTH RISKS.—The Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies are authorized to award grants to a border State to provide assistance to eligible communities to facilitate compliance with national primary drinking water regulations or otherwise significantly further the health protection objectives of this title.

“(c) USE OF FUNDS.—Each grant awarded pursuant to subsection (b) shall be used to provide assistance to one or more eligible communities with respect to which the residents are subject to a significant health risk (as determined by the Administrator or the head of the Federal agency making the grant) attributable to the lack of access to an adequate and affordable drinking water supply system.

“(d) COST SHARING.—The amount of a grant awarded pursuant to this section shall not exceed 50 percent of the costs of carrying out the project that is the subject of the grant.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$25,000,000 for each of the fiscal years 1997 through 1999.”

#### SEC. 136. ESTROGENIC SUBSTANCES SCREENING PROGRAM.

Part E (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

##### “ESTROGENIC SUBSTANCES SCREENING PROGRAM

42 USC 300j-17.

“SEC. 1457. In addition to the substances referred to in section 408(p)(3)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(p)(3)(B)) the Administrator may provide for testing under the screening program authorized by section 408(p) of such Act, in accordance with the provisions of section 408(p) of such Act, of any other substance that may be found in sources of drinking water if the Administrator determines that a substantial population may be exposed to such substance.”

#### SEC. 137. DRINKING WATER STUDIES.

Part E (42 U.S.C. 300j et seq.) is amended by adding after section 1457 the following:

##### “DRINKING WATER STUDIES

42 USC 300j-18.

“SEC. 1458. (a) SUBPOPULATIONS AT GREATER RISK.—

“(1) IN GENERAL.—The Administrator shall conduct a continuing program of studies to identify groups within the general population that may be at greater risk than the general population of adverse health effects from exposure to contaminants in drinking water. The study shall examine whether and to what degree infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations that can be identified and characterized are likely to experience elevated health risks, including risks of cancer, from contaminants in drinking water.

“(2) REPORT.—Not later than 4 years after the date of enactment of this subsection and periodically thereafter as new

and significant information becomes available, the Administrator shall report to the Congress on the results of the studies.

"(b) BIOLOGICAL MECHANISMS.—The Administrator shall conduct biomedical studies to—

"(1) understand the mechanisms by which chemical contaminants are absorbed, distributed, metabolized, and eliminated from the human body, so as to develop more accurate physiologically based models of the phenomena;

"(2) understand the effects of contaminants and the mechanisms by which the contaminants cause adverse effects (especially noncancer and infectious effects) and the variations in the effects among humans, especially subpopulations at greater risk of adverse effects, and between test animals and humans; and

"(3) develop new approaches to the study of complex mixtures, such as mixtures found in drinking water, especially to determine the prospects for synergistic or antagonistic interactions that may affect the shape of the dose-response relationship of the individual chemicals and microbes, and to examine noncancer endpoints and infectious diseases, and susceptible individuals and subpopulations.

"(c) STUDIES ON HARMFUL SUBSTANCES IN DRINKING WATER.—

"(1) DEVELOPMENT OF STUDIES.—The Administrator shall, not later than 180 days after the date of enactment of this section and after consultation with the Secretary of Health and Human Services, the Secretary of Agriculture, and, as appropriate, the heads of other Federal agencies, conduct the studies described in paragraph (2) to support the development and implementation of the most current version of each of the following:

"(A) Enhanced Surface Water Treatment Rule (59 Fed. Reg. 38832 (July 29, 1994)).

"(B) Disinfectant and Disinfection Byproducts Rule (59 Fed. Reg. 38668 (July 29, 1994)).

"(C) Ground Water Disinfection Rule (availability of draft summary announced at (57 Fed. Reg. 33960; July 31, 1992)).

"(2) CONTENTS OF STUDIES.—The studies required by paragraph (1) shall include, at a minimum, each of the following:

"(A) Toxicological studies and, if warranted, epidemiological studies to determine what levels of exposure from disinfectants and disinfection byproducts, if any, may be associated with developmental and birth defects and other potential toxic end points.

"(B) Toxicological studies and, if warranted, epidemiological studies to quantify the carcinogenic potential from exposure to disinfection byproducts resulting from different disinfectants.

"(C) The development of dose-response curves for pathogens, including cryptosporidium and the Norwalk virus.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$12,500,000 for each of fiscal years 1997 through 2003.

"(d) WATERBORNE DISEASE OCCURRENCE STUDY.—

"(1) SYSTEM.—The Director of the Centers for Disease Control and Prevention, and the Administrator shall jointly—

Reports.

“(A) within 2 years after the date of enactment of this section, conduct pilot waterborne disease occurrence studies for at least 5 major United States communities or public water systems; and

“(B) within 5 years after the date of enactment of this section, prepare a report on the findings of the pilot studies, and a national estimate of waterborne disease occurrence.

“(2) TRAINING AND EDUCATION.—The Director and Administrator shall jointly establish a national health care provider training and public education campaign to inform both the professional health care provider community and the general public about waterborne disease and the symptoms that may be caused by infectious agents, including microbial contaminants. In developing such a campaign, they shall seek comment from interested groups and individuals, including scientists, physicians, State and local governments, environmental groups, public water systems, and vulnerable populations.

“(3) FUNDING.—There are authorized to be appropriated for each of the fiscal years 1997 through 2001, \$3,000,000 to carry out this subsection. To the extent funds under this subsection are not fully appropriated, the Administrator may use not more than \$2,000,000 of the funds from amounts reserved under section 1452(n) for health effects studies for purposes of this subsection. The Administrator may transfer a portion of such funds to the Centers for Disease Control and Prevention for such purposes.”.

## TITLE II—DRINKING WATER RESEARCH

### SEC. 201. DRINKING WATER RESEARCH AUTHORIZATION.

Other than amounts authorized to be appropriated to the Administrator of the Environmental Protection Agency under other titles of this Act, there are authorized to be appropriated such additional sums as may be necessary for drinking water research for fiscal years 1997 through 2003. The annual total of such additional sums authorized to be appropriated under this section shall not exceed \$26,593,000.

42 USC 300j-1  
note.

### SEC. 202. SCIENTIFIC RESEARCH REVIEW.

(a) IN GENERAL.—The Administrator shall—

(1) develop a strategic plan for drinking water research activities throughout the Environmental Protection Agency (in this section referred to as the “Agency”);

(2) integrate that strategic plan into ongoing Agency planning activities; and

(3) review all Agency drinking water research to ensure the research—

(A) is of high quality; and

(B) does not duplicate any other research being conducted by the Agency.

Public  
information.

(b) PLAN.—The Administrator shall transmit the plan to the Committees on Commerce and Science of the House of Representatives and the Committee on Environment and Public Works of the Senate and the plan shall be made available to the public.

**SEC. 203. NATIONAL CENTER FOR GROUND WATER RESEARCH.**42 USC 300j-1  
note.

The Administrator of the Environmental Protection Agency, acting through the Robert S. Kerr Environmental Research Laboratory, is authorized to reestablish a partnership between the Laboratory and the National Center for Ground Water Research, a university consortium, to conduct research, training, and technology transfer for ground water quality protection and restoration. No funds are authorized by this section.

### **TITLE III—MISCELLANEOUS PROVISIONS**

**SEC. 301. WATER RETURN FLOWS.**

Section 3013 of Public Law 102-486 (42 U.S.C. 13551) is repealed.

**SEC. 302. TRANSFER OF FUNDS.**42 USC 300j-12  
note.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, at any time after the date 1 year after a State establishes a State loan fund pursuant to section 1452 of the Safe Drinking Water Act but prior to fiscal year 2002, a Governor of the State may—

(1) reserve up to 33 percent of a capitalization grant made pursuant to such section 1452 and add the funds reserved to any funds provided to the State pursuant to section 601 of the Federal Water Pollution Control Act (33 U.S.C. 1381); and

(2) reserve in any year a dollar amount up to the dollar amount that may be reserved under paragraph (1) for that year from capitalization grants made pursuant to section 601 of such Act (33 U.S.C. 1381) and add the reserved funds to any funds provided to the State pursuant to section 1452 of the Safe Drinking Water Act.

(b) **REPORT.**—Not later than 4 years after the date of enactment of this Act, the Administrator shall submit a report to the Congress regarding the implementation of this section, together with the Administrator's recommendations, if any, for modifications or improvement.

(c) **STATE MATCH.**—Funds reserved pursuant to this section shall not be considered to be a State match of a capitalization grant required pursuant to section 1452 of the Safe Drinking Water Act or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

**SEC. 303. GRANTS TO ALASKA TO IMPROVE SANITATION IN RURAL AND NATIVE VILLAGES.** 33 USC 1263a.

(a) **IN GENERAL.**—The Administrator of the Environmental Protection Agency may make grants to the State of Alaska for the benefit of rural and Native villages in Alaska to pay the Federal share of the cost of—

(1) the development and construction of public water systems and wastewater systems to improve the health and sanitation conditions in the villages; and

(2) training, technical assistance, and educational programs relating to the operation and management of sanitation services in rural and Native villages.

(b) **FEDERAL SHARE.**—The Federal share of the cost of the activities described in subsection (a) shall be 50 percent.

(c) **ADMINISTRATIVE EXPENSES.**—The State of Alaska may use an amount not to exceed 4 percent of any grant made available under this subsection for administrative expenses necessary to carry out the activities described in subsection (a).

(d) **CONSULTATION WITH THE STATE OF ALASKA.**—The Administrator shall consult with the State of Alaska on a method of prioritizing the allocation of grants under subsection (a) according to the needs of, and relative health and sanitation conditions in, each eligible village.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$15,000,000 for each of the fiscal years 1997 through 2000 to carry out this section.

#### **SEC. 304. SENSE OF THE CONGRESS.**

It is the sense of the Congress that appropriations for grants under section 128 (relating to New York City watershed), section 135 (relating to colonias), and section 307 (relating to Alaska Native villages) should not be provided if such appropriations would prevent the adequate capitalization of State revolving loan funds.

#### **SEC. 305. BOTTLED DRINKING WATER STANDARDS.**

Section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349) is amended as follows:

(1) By striking “Whenever” and inserting “(a) Except as provided in subsection (b), whenever”.

(2) By adding at the end the following new subsection:

“(b)(1) Not later than 180 days before the effective date of a national primary drinking water regulation promulgated by the Administrator of the Environmental Protection Agency for a contaminant under section 1412 of the Safe Drinking Water Act (42 U.S.C. 300g-1), the Secretary shall promulgate a standard of quality regulation under this subsection for that contaminant in bottled water or make a finding that such a regulation is not necessary to protect the public health because the contaminant is contained in water in public water systems (as defined under section 1401(4) of such Act (42 U.S.C. 300f(4))) but not in water used for bottled drinking water. The effective date for any such standard of quality regulation shall be the same as the effective date for such national primary drinking water regulation, except for any standard of quality of regulation promulgated by the Secretary before the date of enactment of the Safe Drinking Water Act Amendments of 1996 for which (as of such date of enactment) an effective date had not been established. In the case of a standard of quality regulation to which such exception applies, the Secretary shall promulgate monitoring requirements for the contaminants covered by the regulation not later than 2 years after such date of enactment.

“(2) A regulation issued by the Secretary as provided in this subsection shall include any monitoring requirements that the Secretary determines appropriate for bottled water.

“(3) A regulation issued by the Secretary as provided in this subsection shall require the following:

“(A) In the case of contaminants for which a maximum contaminant level is established in a national primary drinking water regulation under section 1412 of the Safe Drinking Water Act (42 U.S.C. 300g-1), the regulation under this subsection

Effective date.

shall establish a maximum contaminant level for the contaminant in bottled water which is no less stringent than the maximum contaminant level provided in the national primary drinking water regulation.

“(B) In the case of contaminants for which a treatment technique is established in a national primary drinking water regulation under section 1412 of the Safe Drinking Water Act (42 U.S.C. 300g-1), the regulation under this subsection shall require that bottled water be subject to requirements no less protective of the public health than those applicable to water provided by public water systems using the treatment technique required by the national primary drinking water regulation.

“(4)(A) If the Secretary does not promulgate a regulation under this subsection within the period described in paragraph (1), the national primary drinking water regulation referred to in paragraph (1) shall be considered, as of the date on which the Secretary is required to establish a regulation under paragraph (1), as the regulation applicable under this subsection to bottled water.

“(B) In the case of a national primary drinking water regulation that pursuant to subparagraph (A) is considered to be a standard of quality regulation, the Secretary shall, not later than the applicable date referred to in such subparagraph, publish in the Federal Register a notice—

Federal Register,  
publication.

“(i) specifying the contents of such regulation, including monitoring requirements; and

“(ii) providing that for purposes of this paragraph the effective date for such regulation is the same as the effective date for the regulation for purposes of the Safe Drinking Water Act (or, if the exception under paragraph (1) applies to the regulation, that the effective date for the regulation is not later than 2 years and 180 days after the date of enactment of the Safe Drinking Water Act Amendments of 1996).”

Effective date.

#### SEC. 306. WASHINGTON AQUEDUCT.

(a) DEFINITIONS.—In this section:

District of  
Columbia.  
Virginia.  
40 USC 45 note.

(1) NON-FEDERAL PUBLIC WATER SUPPLY CUSTOMER.—The terms “non-Federal public water supply customer” and “customer” mean—

- (A) the District of Columbia;
- (B) Arlington County, Virginia; and
- (C) the city of Falls Church, Virginia.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers.

(3) VALUE TO THE GOVERNMENT.—The term “value to the Government” means the net present value of a contract entered into under subsection (e)(2), calculated in accordance with subparagraphs (A) and (B) of section 502(5) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(5)), other than section 502(5)(B)(I) of the Act, as though the contract provided for repayment of a direct loan to a customer.

(4) WASHINGTON AQUEDUCT.—The term “Washington Aqueduct” means the Washington Aqueduct facilities and related facilities owned by the Federal Government as of the date of enactment of this Act, including—

- (A) the dams, intake works, conduits, and pump stations that capture and transport raw water from the Potomac River to the Dalecarlia Reservoir;

(B) the infrastructure and appurtenances used to treat water taken from the Potomac River to potable standards; and

(C) related water distribution facilities.

(b) REGIONAL ENTITY.—

(1) IN GENERAL.—The Congress encourages and grants consent to the customers to establish a non-Federal public or private entity, or to enter into an agreement with an existing non-Federal public or private entity, to—

(A) receive title to the Washington Aqueduct; and

(B) operate, maintain, and manage the Washington Aqueduct in a manner that adequately represents all interests of its customers.

(2) CONSIDERATION.—If an entity receiving title to the Washington Aqueduct is not composed entirely of non-Federal public water supply customers, the entity shall consider the customers' historical provision of equity for the Aqueduct.

(3) PRIORITY ACCESS.—The customers shall have priority access to any water produced by the Washington Aqueduct.

(4) CONSENT OF THE CONGRESS.—The Congress grants consent to the customers to enter into any interstate agreement or compact required to carry out this section.

(5) STATUTORY CONSTRUCTION.—This section shall not preclude the customers from pursuing any option regarding ownership, operation, maintenance, and management of the Washington Aqueduct.

(c) PROGRESS REPORT AND PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on any progress in achieving the objectives of subsection (b)(1) and shall submit a plan for the transfer of ownership, operation, maintenance, and management of the Washington Aqueduct to a non-Federal public or private entity. Such plan shall include a detailed consideration of any proposal to transfer such ownership, maintenance, or management to a private entity.

(d) TRANSFER.—

(1) IN GENERAL.—Subject to subsection (b)(2), the other provisions of this subsection, and any other terms and conditions the Secretary considers appropriate to protect the interests of the United States, the Secretary shall, not later than 3 years after the date of enactment of this Act and with the consent of a majority of the customers and without consideration to the Federal Government, transfer all right, title, and interest of the United States in the Washington Aqueduct, and its real property, facilities, and personalty, to a non-Federal, public or private entity. Approval of such transfer shall not be unreasonably withheld by the Secretary.

(2) ADEQUATE CAPABILITIES.—The Secretary shall transfer ownership of the Washington Aqueduct under paragraph (1) only if the Secretary determines, after opportunity for public input, that the entity to receive ownership of the Aqueduct has the technical, managerial, and financial capability to operate, maintain, and manage the Aqueduct.

(3) RESPONSIBILITIES.—The Secretary shall not transfer title under this subsection unless the entity to receive title

assumes full responsibility for performing and financing the operation, maintenance, repair, replacement, rehabilitation, and necessary capital improvements of the Washington Aqueduct so as to ensure the continued operation of the Washington Aqueduct consistent with the Aqueduct's intended purpose of providing an uninterrupted supply of potable water sufficient to meet the current and future needs of the Aqueduct's service area.

(e) BORROWING AUTHORITY.—

(1) BORROWING.—

(A) IN GENERAL.—Subject to the other provisions of this paragraph and paragraph (2), the Secretary is authorized to borrow from the Treasury of the United States such amounts for fiscal years 1997, 1998, and 1999 as are sufficient to cover any obligations that the Army Corps of Engineers is required to incur in carrying out capital improvements during fiscal years 1997, 1998, and 1999 for the Washington Aqueduct to ensure continued operation of the Aqueduct until such time as a transfer of title to the Aqueduct has taken place.

(E) LIMITATION.—The amount borrowed by the Secretary under subparagraph (A) may not exceed \$29,000,000 for fiscal year 1997, \$24,000,000 for fiscal year 1998, and \$22,000,000 for fiscal year 1999.

(C) AGREEMENT.—Amounts borrowed under subparagraph (A) may only be used for capital improvements agreed to by the Army Corps of Engineers and the customers.

(D) TERMS OF BORROWING.—

(i) IN GENERAL.—The Secretary of the Treasury shall provide the funds borrowed under subparagraph (A) under such terms and conditions as the Secretary of Treasury determines to be necessary and in the public interest and subject to the contracts required under paragraph (2).

(ii) TERM.—The term of any loan made under subparagraph (A) shall be for a period of not less than 20 years.

(iii) PREPAYMENT.—There shall be no penalty for the prepayment of any amounts borrowed under subparagraph (A).

(2) CONTRACTS WITH CUSTOMERS.—

(A) IN GENERAL.—The borrowing authority under paragraph (1)(A) shall be effective only after the Chief of Engineers has entered into contracts with each customer under which the customer commits to repay a pro rata share (based on water purchase) of the principal and interest owed by the Secretary to the Secretary of the Treasury under paragraph (1).

(B) PREPAYMENT.—Any customer may repay, at any time, the pro rata share of the principal and interest then owed by the customer and outstanding, or any portion thereof, without penalty.

(C) RISK OF DEFAULT.—Under each of the contracts, the customer that enters into the contract shall commit to pay any additional amount necessary to fully offset the risk of default on the contract.

(D) OBLIGATIONS.—Each contract under subparagraph (A) shall include such terms and conditions as the Secretary of the Treasury may require so that the value to the Government of the contracts entered into under subparagraph (A) is estimated to be equal to the obligations of the Army Corps of Engineers for carrying out capital improvements at the Washington Aqueduct at the time that each series of contracts is entered into.

(E) OTHER CONDITIONS.—Each contract entered into under subparagraph (A) shall—

(i) provide that the customer pledges future income only from fees assessed for principal and interest payments required by such contracts and costs to operate and maintain the Washington Aqueduct;

(ii) provide the United States priority in regard to income from fees assessed to operate and maintain the Washington Aqueduct; and

(iii) include other conditions consistent with this section that the Secretary of the Treasury determines to be appropriate.

(3) LIMITATIONS.—

(A) BORROWING AUTHORITY.—The Secretary's borrowing authority for making capital improvements at the Washington Aqueduct under paragraph (1) shall not extend beyond fiscal year 1999.

(B) OBLIGATION AUTHORITY.—Upon expiration of the borrowing authority exercised under paragraph (1), the Secretary shall not obligate funds for making capital improvements at the Washington Aqueduct except funds which are provided in advance by the customers. This limitation does not affect the Secretary's authority to conduct normal operation and maintenance activities, including minor repair and replacement work.

Reports.

(4) IMPACT ON IMPROVEMENT PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with other Federal agencies, shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that assesses the impact of the borrowing authority provided under this subsection on the near-term improvement projects in the Washington Aqueduct Improvement Program, work scheduled, and the financial liability to be incurred.

(f) REISSUANCE OF NPDES PERMIT.—Prior to reissuing a National Pollutant Discharge Elimination System (NPDES) permit for the Washington Aqueduct, the Administrator of the Environmental Protection Agency shall consult with the customers and the Secretary regarding opportunities for more efficient water facility configurations that might be achieved through various possible transfers of the Washington Aqueduct. Such consultation shall include specific consideration of concerns regarding a proposed solids recovery facility, and may include a public hearing.

33 USC 1281  
note.

**SEC. 307. WASTEWATER ASSISTANCE TO COLONIAS.**

(a) DEFINITIONS.—As used in this section:

(1) BORDER STATE.—The term "border State" means Arizona, California, New Mexico, and Texas.

(2) **ELIGIBLE COMMUNITY.**—The term “eligible community” means a low-income community with economic hardship that—

(A) is commonly referred to as a colonia;

(B) is located along the United States-Mexico border (generally in an unincorporated area); and

(C) lacks basic sanitation facilities such as household plumbing or a proper sewage disposal system.

(3) **TREATMENT WORKS.**—The term “treatment works” has the meaning provided in section 212(2) of the Federal Water Pollution Control Act (33 U.S.C. 1292(2)).

(b) **GRANTS FOR WASTEWATER ASSISTANCE.**—The Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies are authorized to award grants to a border State to provide assistance to eligible communities for the planning, design, and construction or improvement of sewers, treatment works, and appropriate connections for wastewater treatment.

(c) **USE OF FUNDS.**—Each grant awarded pursuant to subsection (b) shall be used to provide assistance to one or more eligible communities with respect to which the residents are subject to a significant health risk (as determined by the Administrator or the head of the Federal agency making the grant) attributable to the lack of access to an adequate and affordable treatment works for wastewater.

(d) **COST SHARING.**—The amount of a grant awarded pursuant to this section shall not exceed 50 percent of the costs of carrying out the project that is the subject of the grant.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$25,000,000 for each of the fiscal years 1997 through 1999.

#### **SEC. 308. PREVENTION AND CONTROL OF ZEBRA MUSSEL INFESTATION OF LAKE CHAMPLAIN.**

(a) **FINDINGS.**—Section 1002(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701(a)) is amended as follows:

(1) By striking “and” at the end of paragraph (3).

(2) By striking the period at the end of paragraph (4) and inserting “; and”.

(3) By adding at the end the following new paragraph:

“(5) the zebra mussel was discovered on Lake Champlain during 1993 and the opportunity exists to act quickly to establish zebra mussel controls before Lake Champlain is further infested and management costs escalate.”.

(b) **EX OFFICIO MEMBERS OF AQUATIC NUISANCE SPECIES TASK FORCE.**—Section 1201(c) of such Act (16 U.S.C. 4721(c)) is amended by inserting “, the Lake Champlain Basin Program,” after “Great Lakes Commission”.

## TITLE IV—ADDITIONAL ASSISTANCE FOR WATER INFRASTRUCTURE AND WATERSHEDS

42 USC 300j-3c. SEC. 401. NATIONAL PROGRAM.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Administrator of the Environmental Protection Agency may provide technical and financial assistance in the form of grants to States (1) for the construction, rehabilitation, and improvement of water supply systems, and (2) consistent with nonpoint source management programs established under section 319 of the Federal Water Pollution Control Act, for source water quality protection programs to address pollutants in navigable waters for the purpose of making such waters usable by water supply systems.

(b) LIMITATION.—Not more than 30 percent of the amounts appropriated to carry out this section in a fiscal year may be used for source water quality protection programs described in subsection (a)(2).

(c) CONDITION.—As a condition to receiving assistance under this section, a State shall ensure that such assistance is carried out in the most cost-effective manner, as determined by the State.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) UNCONDITIONAL AUTHORIZATION.—There are authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 1997 through 2003. Such sums shall remain available until expended.

(2) CONDITIONAL AUTHORIZATION.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to carry out this title \$25,000,000 for each of fiscal years 1997 through 2003, provided that such authorization shall be in effect for a fiscal year only if at least 75 percent of the total amount of funds authorized to be appropriated for such fiscal year by section 1452(m) of the Safe Drinking Water Act are appropriated.

(e) ACQUISITION OF LANDS.—Assistance provided with funds made available under this title may be used for the acquisition of lands and other interests in lands; however, nothing in this title authorizes the acquisition of lands or other interests in lands from other than willing sellers.

(f) FEDERAL SHARE.—The Federal share of the cost of activities for which grants are made under this title shall be 50 percent.

(g) DEFINITIONS.—In this section, the following definitions apply:

(1) STATE.—The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(2) WATER SUPPLY SYSTEM.—The term "water supply system" means a system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regularly serves at least 25 individuals and a draw and fill system for the provision to the public of water for human consumption. Such term does not include a system owned by a Federal agency. Such term includes (A) any collection, treatment, storage, and distribution facilities

under control of the operator of such system and used primarily in connection with such system, and (B) any collection or pretreatment facilities not under such control that are used primarily in connection with such system.

## TITLE V—CLERICAL AMENDMENTS

### SEC. 501. CLERICAL AMENDMENTS.

(a) PART B.—Part B (42 U.S.C. 300g et seq.) is amended as follows:

(1) In section 1412(b), move the margins of paragraph (11) 2 ems to the right. 42 USC 300g-1.

(2) In section 1412(b)(8), strike “1442(g)” and insert “1442(e)”.

(3) In section 1415(a)(1)(A), insert “the” before “time the variance is granted”. 42 USC 300g-4.

(b) PART C.—Part C (42 U.S.C. 300h et seq.) is amended as follows:

(1) In section 1421(b)(3)(B)(i), strike “number or States” and inserting “number of States”. 42 USC 300h.

(2) In section 1427(k), strike “this subsection” and inserting “this section”. 42 USC 300h-6.

(c) PART E.—Section 1441(f) (42 U.S.C. 300j(f)) is amended by inserting a period at the end.

(d) SECTION 1465(b).—Section 1465(b) (42 U.S.C. 300j-25(b)) is amended by striking “as by” and inserting “by”.

(e) SHORT TITLE.—Section 1 of Public Law 93-523 (88 Stat. 1600) is amended by inserting “of 1974” after “Act” the second place it appears and title XIV of the Public Health Service Act is amended by inserting the following immediately before part A: 42 USC 201 note.

#### “SHORT TITLE

“SEC. 1400. This title may be cited as the ‘Safe Drinking Water Act’.”

(f) TECHNICAL AMENDMENTS TO SECTION HEADINGS.—

(1) The section heading and subsection designation of subsection (a) of section 1417 (42 U.S.C. 300g-6) are amended to read as follows:

“PROHIBITION ON USE OF LEAD PIPES, SOLDER, AND FLUX

“SEC. 1417. (a)”.

(2) The section heading and subsection designation of subsection (a) of section 1426 (42 U.S.C. 300h-5) are amended to read as follows:

“REGULATION OF STATE PROGRAMS

“SEC. 1426. (a)”.

(3) The section heading and subsection designation of subsection (a) of section 1427 (42 U.S.C. 300h-6) are amended to read as follows:

“SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM

“SEC. 1427. (a)”.

(4) The section heading and subsection designation of subsection (a) of section 1428 (42 U.S.C. 300h-7) are amended to read as follows:

“STATE PROGRAMS TO ESTABLISH WELLHEAD PROTECTION AREAS

“SEC. 1428. (a)”.

(5) The section heading and subsection designation of subsection (a) of section 1432 (42 U.S.C. 300i-1) are amended to read as follows:

“TAMPERING WITH PUBLIC WATER SYSTEMS

“SEC. 1432. (a)”.

(6) The section heading and subsection designation of subsection (a) of section 1451 (42 U.S.C. 300j-11) are amended to read as follows:

“INDIAN TRIBES

“SEC. 1451. (a)”.

(7) The section heading and first word of section 1461 (42 U.S.C. 300j-21) are amended to read as follows:

“DEFINITIONS

“SEC. 1461. As”.

(8) The section heading and first word of section 1462 (42 U.S.C. 300j-22) are amended to read as follows:

“RECALL OF DRINKING WATER COOLERS WITH LEAD-LINED TANKS

“SEC. 1462. For”.

(9) The section heading and subsection designation of subsection (a) of section 1463 (42 U.S.C. 300j-23) are amended to read as follows:

“DRINKING WATER COOLERS CONTAINING LEAD

“SEC. 1463. (a)”.

(10) The section heading and subsection designation of subsection (a) of section 1464 (42 U.S.C. 300j-24) are amended to read as follows:

“LEAD CONTAMINATION IN SCHOOL DRINKING WATER

“SEC. 1464. (a)”.

(11) The section heading and subsection designation of subsection (a) of section 1465 (42 U.S.C. 300j-25) are amended to read as follows:

"FEDERAL ASSISTANCE FOR STATE PROGRAMS REGARDING LEAD  
CONTAMINATION IN SCHOOL DRINKING WATER

"SEC. 1465. (a)".

Approved August 6, 1996.

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**LEGISLATIVE HISTORY—S. 1316 (H.R. 3604):**

**HOUSE REPORTS:** Nos. 104-632, Pt. 1 accompanying H.R. 3604 (Comm. on Commerce) and 104-741 (Comm. of Conference).

**SENATE REPORTS:** No. 104-169 (Comm. on Environment and Public Works).

**CONGRESSIONAL RECORD:**

Vol. 141 (1995): Nov. 29, considered and passed Senate.

Vol. 142 (1996): June 25, H.R. 3604 considered and passed House.

July 17, S. 1316 considered and passed House, amended, in lieu of H.R. 3604.

Aug. 2, House and Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):**

Aug. 6, Presidential remarks and statement.

Public Law 104-183  
104th Congress

An Act

Aug. 6, 1996  
[S. 1757]

To amend the Developmental Disabilities Assistance and Bill of Rights Act to extend the Act, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Developmental  
Disabilities  
Assistance and  
Bill of Rights Act  
Amendments of  
1996.  
42 USC 6000  
note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1996”.

**SEC. 2. REAUTHORIZATION OF ALLOTMENTS FOR STATES.**

Section 130 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6030) is amended by striking “the fiscal years 1995 and 1996” and inserting “the fiscal years 1995 through 1999”.

**SEC. 3. REAUTHORIZATION OF AUTHORITIES RELATING TO PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.**

Section 143 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6043) is amended by striking “the fiscal years 1995 and 1996” and inserting “the fiscal years 1995 through 1999”.

**SEC. 4. REAUTHORIZATION OF AUTHORITIES RELATING TO UNIVERSITY AFFILIATED PROGRAMS.**

Section 156(a) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6066(a)) is amended by striking “the fiscal years 1995 and 1996” and inserting “the fiscal years 1995 through 1999”.

**SEC. 5. REAUTHORIZATION OF AUTHORITIES RELATING TO  
PROJECTS OF NATIONAL SIGNIFICANCE.**

Section 163(a) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6083(a)) is amended by striking "the fiscal years 1995 and 1996" and inserting "the fiscal years 1995 through 1999".

Approved August 6, 1996.

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**LEGISLATIVE HISTORY—S. 1757 (H.R. 3867):**

HOUSE REPORTS: No. 104-719 accompanying H.R. 3867 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 142 (1996):

July 12, considered and passed Senate.

July 30, H.R. 3867 and S. 1757 considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Aug. 6, Presidential statement.

Public Law 104-184  
104th Congress

An Act

Aug. 6, 1996

[H.R. 3663]

District of  
Columbia Water  
and Sewer  
Authority Act of  
1996.

To amend the District of Columbia Self-Government and Governmental Reorganization Act to permit the Council of the District of Columbia to authorize the issuance of revenue bonds with respect to water and sewer facilities, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "District of Columbia Water and Sewer Authority Act of 1996".

**SEC. 2. PERMITTING ISSUANCE OF REVENUE BONDS FOR WASTEWATER TREATMENT ACTIVITIES.**

(a) **AUTHORITY TO ISSUE BONDS.**—

(1) **IN GENERAL.**—The first sentence of section 490(a)(1) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-334(a)(1), D.C. Code) is amended—

(A) by striking "and industrial" and inserting "industrial"; and

(B) by striking the period at the end and inserting the following: ", and water and sewer facilities (as defined in paragraph (5))."

(2) **WATER AND SEWER FACILITIES DEFINED.**—Section 490(a) of such Act (sec. 47-334(a), D.C. Code) is amended by adding at the end the following new paragraph:

"(5) In paragraph (1), the term 'water and sewer facilities' means facilities for the obtaining, treatment, storage, and distribution of water, the collection, storage, treatment, and transportation of wastewater, storm drainage, and the disposal of liquids and solids resulting from treatment."

(b) **USE OF REVENUES TO MAKE PAYMENTS ON BONDS.**—The second sentence of section 490(a)(3) of such Act (sec. 47-334(a)(3), D.C. Code) is amended by inserting after "property" each place it appears in subparagraphs (A) and (B) the following: "(including water and sewer enterprise fund revenues, assets, or other property in the case of bonds, notes, or obligations issued with respect to water and sewer facilities)".

(c) **PERMITTING DELEGATION OF AUTHORITY TO ISSUE REVENUE BONDS TO WATER AND SEWER AUTHORITY.**—

(1) **IN GENERAL.**—Section 490 of such Act (sec. 47-334, D.C. Code) is amended by adding at the end the following new subsection:

"(h)(1) The Council may delegate to the District of Columbia Water and Sewer Authority established pursuant to the Water

and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 the authority of the Council under subsection (a) to issue revenue bonds, notes, and other obligations to borrow money to finance or assist in the financing or refinancing of undertakings in the area of utilities facilities, pollution control facilities, and water and sewer facilities (as defined in subsection (a)(5)). The Authority may exercise authority delegated to it by the Council as described in the first sentence of this paragraph (whether such delegation is made before or after the date of the enactment of this subsection) only in accordance with this subsection.

“(2) Revenue bonds, notes, and other obligations issued by the District of Columbia Water and Sewer Authority under a delegation of authority described in paragraph (1) shall be issued by resolution of the Authority, and any such resolution shall not be considered to be an act of the Council.

“(3) The fourth sentence of section 446 shall not apply to—

“(A) any amount (including the amount of any accrued interest or premium) obligated or expended from the proceeds of the sale of any revenue bond, note, or other obligation issued pursuant to this subsection;

“(B) any amount obligated or expended for the payment of the principal of, interest on, or any premium for any revenue bond, note, or other obligation issued pursuant to this subsection;

“(C) any amount obligated or expended to secure any revenue bond, note, or other obligation issued pursuant to this subsection; or

“(D) any amount obligated or expended for repair, maintenance, and capital improvements to facilities financed pursuant to this subsection.”

(2) CONFORMING AMENDMENT.—The fourth sentence of section 446 of such Act (sec. 47-304, D.C. Code) is amended by striking “(f) and (g)(3)” and inserting “(f), (g)(3), and (h)(3)”.

### SEC. 3. TREATMENT OF REVENUES AND OBLIGATIONS.

(a) EXCLUSION OF REVENUES FOR PURPOSES OF CAP ON AGGREGATE DISTRICT DEBT.—Paragraphs (1) and (3)(A) of section 603(b) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-313(b), D.C. Code) are each amended by inserting after “revenue bonds,” the following: “any revenues, charges, or fees dedicated for the purposes of water and sewer facilities described in section 490(a) (including fees or revenues directed to servicing or securing revenue bonds issued for such purposes),”.

(b) EXCLUSION OF OBLIGATIONS RELATING TO DEBT SERVICING PAYMENTS ON CERTAIN GENERAL OBLIGATION BONDS.—

(1) IN GENERAL.—Section 603(b)(2) of such Act (sec. 47-313(b)(2), D.C. Code) is amended—

(A) by striking “and obligations” and inserting “obligations”; and

(B) by inserting after “establishment,” the following: “and obligations incurred pursuant to general obligation bonds of the District of Columbia issued prior to October 1, 1996, for the financing of Department of Public Works, Water and Sewer Utility Administration capital projects,”.

(2) CONFORMING AMENDMENT.—Section 603(b)(3)(B) of such Act (sec. 47-313(b)(3)(B), D.C. Code) is amended by inserting after “bonds” the following: “(less the allocable portion of principal and interest to be paid during the year on general obligation bonds of the District of Columbia issued prior to October 1, 1996, for the financing of Department of Public Works, Water and Sewer Utility Administration capital projects)”.

#### SEC. 4. TREATMENT OF BUDGET OF WATER AND SEWER AUTHORITY.

(a) PREPARATION OF INDEPENDENT BUDGET.—Subpart 1 of part D of title IV of the District of Columbia Self-Government and Governmental Reorganization Act is amended by inserting after section 445 the following new section:

##### “WATER AND SEWER AUTHORITY BUDGET

“SEC. 445A. The District of Columbia Water and Sewer Authority established pursuant to the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 shall prepare and annually submit to the Mayor, for inclusion in the annual budget, annual estimates of the expenditures and appropriations necessary for the operation of the Authority for the year. All such estimates shall be forwarded by the Mayor to the Council for its action pursuant to sections 446 and 603(c), without revision but subject to his recommendations. Notwithstanding any other provision of this Act, the Council may comment or make recommendations concerning such annual estimates, but shall have no authority under this Act to revise such estimates.”.

(b) EXEMPTION FROM REDUCTIONS OF BUDGETS OF INDEPENDENT AGENCIES.—Section 453(c) of such Act (sec. 47-304.1(c), D.C. Code) is amended—

(1) by striking “courts or the Council, or to” and inserting “courts, the Council,”; and

(2) by striking the period at the end and inserting the following: “, or the District of Columbia Water and Sewer Authority established pursuant to the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996.”.

(c) CONFORMING AMENDMENT.—Section 442(b) of such Act (sec. 47-301(b), D.C. Code) is amended—

(1) by striking “and the Commission” and inserting “the Commission”; and

(2) by striking the period at the end and inserting the following: “, and the District of Columbia Water and Sewer Authority.”.

(d) CLERICAL AMENDMENT.—The table of contents of subpart 1 of part D of title IV of the District of Columbia Self-Government and Governmental Reorganization Act is amended by inserting after the item relating to section 445 the following new item: “Sec. 445A. Water and Sewer Authority budget.”.

#### SEC. 5. CLARIFICATION OF COMPENSATION OF CURRENT EMPLOYEES OF DEPARTMENT OF PUBLIC WORKS.

The first sentence of section 205(b)(2) of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 (sec. 43-1675(b)(2), D.C. Code) is amended by striking “duties)” and inserting “duties, and except as may

otherwise be provided under the personnel system developed pursuant to subsection (a)(4) or a collective bargaining agreement entered into after the date of the enactment of this Act)".

Approved August 6, 1996.

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**LEGISLATIVE HISTORY—H.R. 3663:**

HOUSE REPORTS: No. 104-635 (Comm. on Government Reform and Oversight).

CONGRESSIONAL RECORD, Vol. 142 (1996):

June 27, considered and passed House.

July 30, considered and passed Senate.

Public Law 104-185  
104th Congress

An Act

Aug. 13, 1996  
[H.R. 1975]

To improve the management of royalties from Federal and Outer Continental Shelf oil and gas leases, and for other purposes.

Federal Oil and  
Gas Royalty  
Simplification  
and Fairness Act  
of 1996.  
30 USC 1701  
note.  
30 USC 1702.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Federal Oil and Gas Royalty Simplification and Fairness Act of 1996”.

**SEC. 2. DEFINITIONS.**

Section 3 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.) is amended—

(1) by amending paragraph (7) to read as follows:

“(7) ‘lessee’ means any person to whom the United States issues an oil and gas lease or any person to whom operating rights in a lease have been assigned;” and

(2) by striking “and” at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting a semicolon, and by adding at the end the following:

“(17) ‘adjustment’ means an amendment to a previously filed report on an obligation, and any additional payment or credit, if any, applicable thereto, to rectify an underpayment or overpayment on an obligation;

“(18) ‘administrative proceeding’ means any Department of the Interior agency process in which a demand, decision or order issued by the Secretary or a delegated State is subject to appeal or has been appealed;

“(19) ‘assessment’ means any fee or charge levied or imposed by the Secretary or a delegated State other than—

“(A) the principal amount of any royalty, minimum royalty, rental bonus, net profit share or proceed of sale;

“(B) any interest; or

“(C) any civil or criminal penalty;

“(20) ‘commence’ means—

“(A) with respect to a judicial proceeding, the service of a complaint, petition, counterclaim, cross claim, or other pleading seeking affirmative relief or seeking credit or recoupment: *Provided*, That if the Secretary commences a judicial proceeding against a designee, the Secretary shall give notice of that commencement to the lessee who designated the designee, but the Secretary is not required to give notice to other lessees who may be liable pursuant to section 102(a) of this Act, for the obligation that is the subject of the judicial proceeding; or

“(B) with respect to a demand, the receipt by the Secretary or a delegated State or a lessee or its designee (with written notice to the lessee who designated the designee) of the demand;

“(21) ‘credit’ means the application of an overpayment (in whole or in part) against an obligation which has become due to discharge, cancel or reduce the obligation;

“(22) ‘delegated State’ means a State which, pursuant to an agreement or agreements under section 205 of this Act, performs authorities, duties, responsibilities, or activities of the Secretary;

“(23) ‘demand’ means—

“(A) an order to pay issued by the Secretary or the applicable delegated State to a lessee or its designee (with written notice to the lessee who designated the designee) that has a reasonable basis to conclude that the obligation in the amount of the demand is due and owing; or

“(B) a separate written request by a lessee or its designee which asserts an obligation due the lessee or its designee that provides a reasonable basis to conclude that the obligation in the amount of the demand is due and owing, but does not mean any royalty or production report, or any information contained therein, required by the Secretary or a delegated State;

“(24) ‘designee’ means the person designated by a lessee pursuant to section 102(a) of this Act, with such written designation effective on the date such designation is received by the Secretary and remaining in effect until the Secretary receives notice in writing that the designation is modified or terminated;

“(25) ‘obligation’ means—

“(A) any duty of the Secretary or, if applicable, a delegated State—

“(i) to take oil or gas royalty in kind; or

“(ii) to pay, refund, offset, or credit monies including (but not limited to)—

“(I) the principal amount of any royalty, minimum royalty, rental, bonus, net profit share or proceed of sale; or

“(II) any interest; and

“(B) any duty of a lessee or its designee (subject to the provision of section 102(a) of this Act)—

“(i) to deliver oil or gas royalty in kind; or

“(ii) to pay, offset or credit monies including (but not limited to)—

“(I) the principal amount of any royalty, minimum royalty, rental, bonus, net profit share or proceed of sale;

“(II) any interest;

“(III) any penalty; or

“(IV) any assessment,

which arises from or relates to any lease administered by the Secretary for, or any mineral leasing law related to, the exploration, production and development of oil or gas on Federal lands or the Outer Continental Shelf;

“(26) ‘order to pay’ means a written order issued by the Secretary or the applicable delegated State to a lessee or its

designee (with notice to the lessee who designated the designee) which—

“(A) asserts a specific, definite, and quantified obligation claimed to be due, and

“(B) specifically identifies the obligation by lease, production month and monetary amount of such obligation claimed to be due and ordered to be paid, as well as the reason or reasons such obligation is claimed to be due, but such term does not include any other communication or action by or on behalf of the Secretary or a delegated State;

“(27) ‘overpayment’ means any payment by a lessee or its designee in excess of an amount legally required to be paid on an obligation and includes the portion of any estimated payment for a production month that is in excess of the royalties due for that month;

“(28) ‘payment’ means satisfaction, in whole or in part, of an obligation;

“(29) ‘penalty’ means a statutorily authorized civil fine levied or imposed for a violation of this Act, any mineral leasing law, or a term or provision of a lease administered by the Secretary;

“(30) ‘refund’ means the return of an overpayment;

“(31) ‘State concerned’ means, with respect to a lease, a State which receives a portion of royalties or other payments under the mineral leasing laws from such lease;

“(32) ‘underpayment’ means any payment or nonpayment by a lessee or its designee that is less than the amount legally required to be paid on an obligation; and

“(33) ‘United States’ means the United States Government and any department, agency, or instrumentality thereof, the several States, the District of Columbia, and the territories of the United States.”.

### SEC. 3. DELEGATION OF ROYALTY COLLECTIONS AND RELATED ACTIVITIES.

(a) GENERAL AUTHORITY.—Section 205 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1735) is amended to read as follows:

30 USC 1735.

#### “SEC. 205. DELEGATION OF ROYALTY COLLECTIONS AND RELATED ACTIVITIES.

“(a) Upon written request of any State, the Secretary is authorized to delegate, in accordance with the provisions of this section, all or part of the authorities and responsibilities of the Secretary under this Act to:

“(1) conduct inspections, audits, and investigations;

“(2) receive and process production and financial reports;

“(3) correct erroneous report data;

“(4) perform automated verification; and

“(5) issue demands, subpoenas, and orders to perform restructured accounting, for royalty management enforcement purposes,

to any State with respect to all Federal land within the State.

“(b) After notice and opportunity for a hearing, the Secretary is authorized to delegate such authorities and responsibilities granted under this section as the State has requested, if the Secretary finds that—

"(1) it is likely that the State will provide adequate resources to achieve the purposes of this Act;

"(2) the State has demonstrated that it will effectively and faithfully administer the rules and regulations of the Secretary under this Act in accordance with the requirements of subsections (c) and (d) of this section;

"(3) such delegation will not create an unreasonable burden on any lessee;

"(4) the State agrees to adopt standardized reporting procedures prescribed by the Secretary for royalty and production accounting purposes, unless the State and all affected parties (including the Secretary) otherwise agree;

"(5) the State agrees to follow and adhere to regulations and guidelines issued by the Secretary pursuant to the mineral leasing laws regarding valuation of production; and

"(6) where necessary for a State to have authority to carry out and enforce a delegated activity, the State agrees to enact such laws and promulgate such regulations as are consistent with relevant Federal laws and regulations with respect to the Federal lands within the State.

"(c) After notice and opportunity for hearing, the Secretary shall issue a ruling as to the consistency of a State's proposal with the provisions of this section and regulations under subsection (d) within 90 days after submission of such proposal. In any unfavorable ruling, the Secretary shall set forth the reasons therefor and state whether the Secretary will agree to delegate to the State if the State meets the conditions set forth in such ruling.

"(d) After consultation with State authorities, the Secretary shall by rule promulgate, within 12 months after the date of enactment of this section, standards and regulations pertaining to the authorities and responsibilities to be delegated under subsection (a), including standards and regulations pertaining to—

"(1) audits to be performed;

"(2) records and accounts to be maintained;

"(3) reporting procedures to be required by States under this section;

"(4) receipt and processing of production and financial reports;

"(5) correction of erroneous report data;

"(6) performance of automated verification;

"(7) issuance of standards and guidelines in order to avoid duplication of effort;

"(8) transmission of report data to the Secretary; and

"(9) issuance of demands, subpoenas, and orders to perform restructured accounting, for royalty management enforcement purposes.

Such standards and regulations shall be designed to provide reasonable assurance that a uniform and effective royalty management system will prevail among the States. The records and accounts under paragraph (2) shall be sufficient to allow the Secretary to monitor the performance of any State under this section.

"(e) If, after notice and opportunity for a hearing, the Secretary finds that any State to which any authority or responsibility of the Secretary has been delegated under this section is in violation of any requirement of this section or any rule thereunder, or that an affirmative finding by the Secretary under subsection (b) can no longer be made, the Secretary may revoke such delegation.

Regulations.

If, after providing written notice to a delegated State and a reasonable opportunity to take corrective action requested by the Secretary, the Secretary determines that the State has failed to issue a demand or order to a Federal lessee within the State, that such failure may result in an underpayment of an obligation due the United States by such lessee, and that such underpayment may be uncollected without Secretarial intervention, the Secretary may issue such demand or order in accordance with the provisions of this Act prior to or absent the withdrawal of delegated authority.

“(f) Subject to appropriations, the Secretary shall compensate any State for those costs which may be necessary to carry out the delegated activities under this Section. Payment shall be made no less than every quarter during the fiscal year. Compensation to a State may not exceed the Secretary's reasonably anticipated expenditure for performance of such delegated activities by the Secretary. Such costs shall be allocable for the purposes of section 35(b) of the Act entitled ‘An act to promote the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain’, approved February 25, 1920 (commonly known as the Mineral Leasing Act) (30 U.S.C. 191 (b)) to the administration and enforcement of laws providing for the leasing of any onshore lands or interests in land owned by the United States. Any further allocation of costs under section 35(b) made by the Secretary for oil and gas activities, other than those costs to compensate States for delegated activities under this Act, shall be only those costs associated with onshore oil and gas activities and may not include any duplication of costs allocated pursuant to the previous sentence. Nothing in this section affects the Secretary's authority to make allocations under section 35(b) for non-oil and gas mineral activities. All moneys received from sales, bonuses, rentals, royalties, assessments and interest, including money claimed to be due and owing pursuant to a delegation under this section, shall be payable and paid to the Treasury of the United States.

“(g) Any action of the Secretary to approve or disapprove a proposal submitted by a State under this section shall be subject to judicial review in the United States district court which includes the capital of the State submitting the proposal.

“(h) Any State operating pursuant to a delegation existing on the date of enactment of this Act may continue to operate under the terms and conditions of the delegation, except to the extent that a revision of the existing agreement is adopted pursuant to this section.”.

(b) CLERICAL AMENDMENT.—The item relating to section 205 in the table of contents in section 1 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701) is amended to read as follows:

“Sec. 205. Delegation of royalty collections and related activities.”.

#### SEC. 4. SECRETARIAL AND DELEGATED STATES' ACTIONS AND LIMITATION PERIODS.

(a) IN GENERAL.—The Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.) is amended by adding after section 114 the following new section:

**"SEC. 115. SECRETARIAL AND DELEGATED STATES' ACTIONS AND LIMITATION PERIODS. 30 USC 1724.**

"(a) **IN GENERAL.**—The respective duties, responsibilities, and activities with respect to a lease shall be performed by the Secretary, delegated States, and lessees or their designees in a timely manner.

"(b) **LIMITATION PERIOD.**—

"(1) **IN GENERAL.**—A judicial proceeding or demand which arises from, or relates to an obligation, shall be commenced within seven years from the date on which the obligation becomes due and if not so commenced shall be barred. If commencement of a judicial proceeding or demand for an obligation is barred by this section, the Secretary, a delegated State, or a lessee or its designee (A) shall not take any other or further action regarding that obligation, including (but not limited to) the issuance of any order, request, demand or other communication seeking any document, accounting, determination, calculation, recalculation, payment, principal, interest, assessment, or penalty or the initiation, pursuit or completion of an audit with respect to that obligation; and (B) shall not pursue any other equitable or legal remedy, whether under statute or common law, with respect to an action on or an enforcement of said obligation.

"(2) **RULE OF CONSTRUCTION.**—A judicial proceeding or demand that is timely commenced under paragraph (1) against a designee shall be considered timely commenced as to any lessee who is liable pursuant to section 102(a) of this Act for the obligation that is the subject of the judicial proceeding or demand.

"(3) **APPLICATION OF CERTAIN LIMITATIONS.**—The limitations set forth in sections 2401, 2415, 2416, and 2462 of title 28, United States Code, and section 42 of the Mineral Leasing Act (30 U.S.C. 226-2) shall not apply to any obligation to which this Act applies. Section 3716 of title 31, United States Code, may be applied to an obligation the enforcement of which is not barred by this Act, but may not be applied to any obligation the enforcement of which is barred by this Act.

"(c) **OBLIGATION BECOMES DUE.**—

"(1) **IN GENERAL.**—For purposes of this Act, an obligation becomes due when the right to enforce the obligation is fixed.

"(2) **ROYALTY OBLIGATIONS.**—The right to enforce any royalty obligation for any given production month for a lease is fixed for purposes of this Act on the last day of the calendar month following the month in which oil or gas is produced.

"(d) **TOLLING OF LIMITATION PERIOD.**—The running of the limitation period under subsection (b) shall not be suspended, tolled, extended, or enlarged for any obligation for any reason by any action, including an action by the Secretary or a delegated State, other than the following:

"(1) **TOLLING AGREEMENT.**—A written agreement executed during the limitation period between the Secretary or a delegated State and a lessee or its designee (with notice to the lessee who designated the designee) shall toll the limitation period for the amount of time during which the agreement is in effect.

"(2) **SUBPOENA.**—

“(A) The issuance of a subpoena to a lessee or its designee (with notice to the lessee who designated the designee, which notice shall not constitute a subpoena to the lessee) in accordance with the provisions of subparagraph (B)(i) shall toll the limitation period with respect to the obligation which is the subject of a subpoena only for the period beginning on the date the lessee or its designee receives the subpoena and ending on the date on which (i) the lessee or its designee has produced such subpoenaed records for the subject obligation, (ii) the Secretary or a delegated State receives written notice that the subpoenaed records for the subject obligation are not in existence or are not in the lessee’s or its designee’s possession or control, or (iii) a court has determined in a final decision that such records are not required to be produced, whichever occurs first.

“(B)(i) A subpoena for the purposes of this section which requires a lessee or its designee to produce records necessary to determine the proper reporting and payment of an obligation due the Secretary may be issued only by an Assistant Secretary of the Interior or an Acting Assistant Secretary of the Interior who is a schedule C employee (as defined by section 213.3301 of title 5, Code of Federal Regulations), or the Director or Acting Director of the respective bureau or agency, and may not be delegated to any other person. If a State has been delegated authority pursuant to section 205, the State, acting through the highest State official having ultimate authority over the collection of royalties from leases on Federal lands within the State, may issue such subpoena, but may not delegate such authority to any other person.

“(ii) A subpoena described in clause (i) may only be issued against a lessee or its designee during the limitation period provided in this section and only after the Secretary or a delegated State has in writing requested the records from the lessee or its designee related to the obligation which is the subject of the subpoena and has determined that—

“(I) the lessee or its designee has failed to respond within a reasonable period of time to the Secretary’s or the applicable delegated State’s written request for such records necessary for an audit, investigation or other inquiry made in accordance with the Secretary’s or such delegated State’s responsibilities under this Act; or

“(II) the lessee or its designee has in writing denied the Secretary’s or the applicable delegated State’s written request to produce such records in the lessee’s or its designee’s possession or control necessary for an audit, investigation or other inquiry made in accordance with the Secretary’s or such delegated State’s responsibilities under this Act; or

“(III) the lessee or its designee has unreasonably delayed in producing records necessary for an audit, investigation or other inquiry made in accordance with the Secretary’s or the applicable delegated State’s

responsibilities under this Act after the Secretary's or delegated State's written request.

"(C) In seeking records, the Secretary or the applicable delegated State shall afford the lessee or its designee a reasonable period of time after a written request by the Secretary or such delegated State in which to provide such records prior to the issuance of any subpoena.

"(3) MISREPRESENTATION OR CONCEALMENT.—The intentional misrepresentation or concealment of a material fact for the purpose of evading the payment of an obligation in which case the limitation period shall be tolled for the period of such misrepresentation or such concealment.

"(4) ORDER TO PERFORM RESTRUCTURED ACCOUNTING.—A)(i) The issuance of a notice under subparagraph (D) that the lessee or its designee has not substantially complied with the requirement to perform a restructured accounting shall toll the limitation period with respect to the obligation which is the subject of the notice only for the period beginning on the date the lessee or its designee receives the notice and ending 120 days after the date on which (I) the Secretary or the applicable delegated State receives written notice that the accounting or other requirement has been performed, or (II) a court has determined in a final decision that the lessee is not required to perform the accounting, whichever occurs first.

"(ii) If the lessee or its designee initiates an administrative appeal or judicial proceeding to contest an order to perform a restructured accounting issued under subparagraph (B)(i), the limitation period in subsection (b) shall be tolled from the date the lessee or its designee received the order until a final, nonappealable decision is issued in any such proceeding.

"(B)(i) The Secretary or the applicable delegated State may issue an order to perform a restructured accounting to a lessee or its designee when the Secretary or such delegated State determines during an audit of a lessee or its designee that the lessee or its designee should recalculate royalty due on an obligation based upon the Secretary's or the delegated State's finding that the lessee or its designee has made identified underpayments or overpayments which are demonstrated by the Secretary or the delegated State to be based upon repeated, systemic reporting errors for a significant number of leases or a single lease for a significant number of reporting months with the same type of error which constitutes a pattern of violations and which are likely to result in either significant underpayments or overpayments.

"(ii) The power of the Secretary to issue an order to perform a restructured accounting may not be delegated below the most senior career professional position having responsibility for the royalty management program, which position is currently designated as the 'Associate Director for Royalty Management', and may not be delegated to any other person. If a State has been delegated authority pursuant to section 205 of this Act, the State, acting through the highest ranking State official having ultimate authority over the collection of royalties from leases on Federal lands within the State, may issue such order to perform, which may not be delegated to any other person. An order to perform a restructured accounting shall—

"(I) be issued within a reasonable period of time from when the audit identifies the systemic, reporting errors;

"(II) specify the reasons and factual bases for such order;

"(III) be specifically identified as an 'order to perform a restructured accounting';

"(IV) provide the lessee or its designee a reasonable period of time (but not less than 60 days) within which to perform the restructured accounting; and

"(V) provide the lessee or its designee 60 days within which to file an administrative appeal of the order to perform a restructured accounting.

"(C) An order to perform a restructured accounting shall not mean or be construed to include any other action by or on behalf of the Secretary or a delegated State.

Notice.

"(D) If a lessee or its designee fails to substantially comply with the requirement to perform a restructured accounting pursuant to this subsection, a notice shall be issued to the lessee or its designee that the lessee or its designee has not substantially complied with the requirements to perform a restructured accounting. A lessee or its designee shall be given a reasonable time within which to perform the restructured accounting. Such notice may be issued under this section only by an Assistant Secretary of the Interior or an acting Assistant Secretary of the Interior who is a schedule C employee (as defined by section 213.3301 of title 5, Code of Federal Regulations) and may not be delegated to any other person. If a State has been delegated authority pursuant to section 205, the State, acting through the highest State official having ultimate authority over the collection of royalties from leases on Federal lands within the State, may issue such notice, which may not be delegated to any other person.

"(e) TERMINATION OF LIMITATIONS PERIOD.—An action or an enforcement of an obligation by the Secretary or delegated State or a lessee or its designee shall be barred under this section prior to the running of the seven-year period provided in subsection (b) in the event—

"(1) the Secretary or a delegated State has notified the lessee or its designee in writing that a time period is closed to further audit; or

"(2) the Secretary or a delegated State and a lessee or its designee have so agreed in writing.

For purposes of this subsection, notice to, or an agreement by, the designee shall be binding on any lessee who is liable pursuant to section 102(a) for obligations that are the subject of the notice or agreement.

"(f) RECORDS REQUIRED FOR DETERMINING COLLECTIONS.—Records required pursuant to section 103 of this Act by the Secretary or any delegated State for the purpose of determining obligations due and compliance with any applicable mineral leasing law, lease provision, regulation or order with respect to oil and gas leases from Federal lands or the Outer Continental Shelf shall be maintained for the same period of time during which a judicial proceeding or demand may be commenced under subsection (b). If a judicial proceeding or demand is timely commenced, the record holder shall maintain such records until the final nonappealable decision in such judicial proceeding is made, or with respect to

that demand is rendered, unless the Secretary or the applicable delegated State authorizes in writing an earlier release of the requirement to maintain such records. Notwithstanding anything herein to the contrary, under no circumstance shall a record holder be required to maintain or produce any record relating to an obligation for any time period which is barred by the applicable limitation in this section. In connection with any hearing, administrative proceeding, inquiry, investigation, or audit by the Secretary or a delegated State under this Act, the Secretary or the delegated State shall minimize the submission of multiple or redundant information and make a good faith effort to locate records previously submitted by a lessee or a designee to the Secretary or the delegated State, prior to requiring the lessee or the designee to provide such records.

“(g) **TIMELY COLLECTIONS.**—In order to most effectively utilize resources available to the Secretary to maximize the collection of oil and gas receipts from lease obligations to the Treasury within the seven-year period of limitations, and consequently to maximize the State share of such receipts, the Secretary should not perform or require accounting, reporting, or audit activities if the Secretary and the State concerned determine that the cost of conducting or requiring the activity exceeds the expected amount to be collected by the activity, based on the most current 12 months of activity. This subsection shall not provide a defense to a demand or an order to perform a restructured accounting. To the maximum extent possible, the Secretary and delegated States shall reduce costs to the United States Treasury and the States by discontinuing requirements for unnecessary or duplicative data and other information, such as separate allowances and payor information, relating to obligations due. If the Secretary and the State concerned determine that collection will result sooner, the Secretary or the applicable delegated State may waive or forego interest in whole or in part.

“(h) **APPEALS AND FINAL AGENCY ACTION.**—

“(1) **33-MONTH PERIOD.**—Demands or orders issued by the Secretary or a delegated State are subject to administrative appeal in accordance with the regulations of the Secretary. No State shall impose any conditions which would hinder a lessee's or its designee's immediate appeal of an order to the Secretary or the Secretary's designee. The Secretary shall issue a final decision in any administrative proceeding, including any administrative proceedings pending on the date of enactment of this section, within 33 months from the date such proceeding was commenced or 33 months from the date of such enactment, whichever is later. The 33-month period may be extended by any period of time agreed upon in writing by the Secretary and the appellant.

“(2) **EFFECT OF FAILURE TO ISSUE DECISION.**—If no such decision has been issued by the Secretary within the 33-month period referred to in paragraph (1)—

“(A) the Secretary shall be deemed to have issued and granted a decision in favor of the appellant as to any nonmonetary obligation and any monetary obligation the principal amount of which is less than \$10,000; and

“(B) the Secretary shall be deemed to have issued a final decision in favor of the Secretary, which decision shall be deemed to affirm those issues for which the agency

rendered a decision prior to the end of such period, as to any monetary obligation the principal amount of which is \$10,000 or more, and the appellant shall have a right to judicial review of such deemed final decision in accordance with title 5 of the United States Code.

“(i) **COLLECTIONS OF DISPUTED AMOUNTS DUE.**—To expedite collections relating to disputed obligations due within the seven-year period beginning on the date the obligation became due, the parties shall hold not less than one settlement consultation and the Secretary and the State concerned may take such action as is appropriate to compromise and settle a disputed obligation, including waiving or reducing interest and allowing offsetting of obligations among leases.

“(j) **ENFORCEMENT OF A CLAIM FOR JUDICIAL REVIEW.**—In the event a demand subject to this section is properly and timely commenced, the obligation which is the subject of the demand may be enforced beyond the seven-year limitations period without being barred by this statute of limitations. In the event a demand subject to this section is properly and timely commenced, a judicial proceeding challenging the final agency action with respect to such demand shall be deemed timely so long as such judicial proceeding is commenced within 180 days from receipt of notice by the lessee or its designee of the final agency action.

“(k) **IMPLEMENTATION OF FINAL DECISION.**—In the event a judicial proceeding or demand subject to this section is timely commenced and thereafter the limitation period in this section lapses during the pendency of such proceeding, any party to such proceeding shall not be barred from taking such action as is required or necessary to implement a final unappealable judicial or administrative decision, including any action required or necessary to implement such decision by the recovery or recoupment of an underpayment or overpayment by means of refund or credit.

“(l) **STAY OF PAYMENT OBLIGATION PENDING REVIEW.**—Any person ordered by the Secretary or a delegated State to pay any obligation (other than an assessment) shall be entitled to a stay of such payment without bond or other surety instrument pending an administrative or judicial proceeding if the person periodically demonstrates to the satisfaction of the Secretary that such person is financially solvent or otherwise able to pay the obligation. In the event the person is not able to demonstrate, the Secretary may require a bond or other surety instrument satisfactory to cover the obligation. Any person ordered by the Secretary or a delegated State to pay an assessment shall be entitled to a stay without bond or other surety instrument.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701) is amended by inserting after the item relating to section 114 the following new item:

“Sec. 115. Secretarial and delegated States’ actions and limitation periods.”.

#### **SEC. 5. ADJUSTMENT AND REFUNDS.**

(a) **IN GENERAL.**—The Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.) is amended by inserting after section 111 the following:

**“SEC. 111A. ADJUSTMENTS AND REFUNDS.**

30 USC 1721a.

**“(a) ADJUSTMENTS TO ROYALTIES PAID TO THE SECRETARY OR A DELEGATED STATE.—**

“(1) If, during the adjustment period, a lessee or its designee determines that an adjustment or refund request is necessary to correct an underpayment or overpayment of an obligation, the lessee or its designee shall make such adjustment or request a refund within a reasonable period of time and only during the adjustment period. The filing of a royalty report which reflects the underpayment or overpayment of an obligation shall constitute prior written notice to the Secretary or the applicable delegated State of an adjustment.

“(2)(A) For any adjustment, the lessee or its designee shall calculate and report the interest due attributable to such adjustment at the same time the lessee or its designee adjusts the principle amount of the subject obligation, except as provided by subparagraph (B).

“(B) In the case of a lessee or its designee who determines that subparagraph (A) would impose a hardship, the Secretary or such delegated State shall calculate the interest due and notify the lessee or its designee within a reasonable time of the amount of interest due, unless such lessee or its designee elects to calculate and report interest in accordance with subparagraph (A).

“(3) An adjustment or a request for a refund for an obligation may be made after the adjustment period only upon written notice to and approval by the Secretary or the applicable delegated State, as appropriate, during an audit of the period which includes the production month for which the adjustment is being made. If an overpayment is identified during an audit, then the Secretary or the applicable delegated State, as appropriate, shall allow a credit or refund in the amount of the overpayment.

“(4) For purposes of this section, the adjustment period for any obligation shall be the six-year period following the date on which an obligation became due. The adjustment period shall be suspended, tolled, extended, enlarged, or terminated by the same actions as the limitation period in section 115.

**“(b) REFUNDS.—**

“(1) IN GENERAL.—A request for refund is sufficient if it—

“(A) is made in writing to the Secretary and, for purposes of section 115, is specifically identified as a demand;

“(B) identifies the person entitled to such refund;

“(C) provides the Secretary information that reasonably enables the Secretary to identify the overpayment for which such refund is sought; and

“(D) provides the reasons why the payment was an overpayment.

“(2) PAYMENT BY SECRETARY OF THE TREASURY.—The Secretary shall certify the amount of the refund to be paid under paragraph (1) to the Secretary of the Treasury who shall make such refund. Such refund shall be paid from amounts received as current receipts from sales, bonuses, royalties (including interest charges collected under this section) and rentals of the public lands and the Outer Continental Shelf under the provisions of the Mineral Leasing Act and the Outer Continental Shelf Lands Act, which are not payable to a State or

the Reclamation Fund. The portion of any such refund attributable to any amounts previously disbursed to a State, the Reclamation Fund, or any recipient prescribed by law shall be deducted from the next disbursements to that recipient made under the applicable law. Such amounts deducted from subsequent disbursements shall be credited to miscellaneous receipts in the Treasury.

“(3) PAYMENT PERIOD.—A refund under this subsection shall be paid or denied (with an explanation of the reasons for the denial) within 120 days of the date on which the request for refund is received by the Secretary. Such refund shall be subject to later audit by the Secretary or the applicable delegated State and subject to the provisions of this Act.

“(4) PROHIBITION AGAINST REDUCTION OF REFUNDS OR CREDITS.—In no event shall the Secretary or any delegated State directly or indirectly claim or offset any amount or amounts against, or reduce any refund or credit (or interest accrued thereon) by the amount of any obligation the enforcement of which is barred by section 115 of this Act.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701) is amended by inserting after the item relating to section 111 the following new item:

“Sec. 111A. Adjustments and refunds.”

#### **SEC. 6. ROYALTY TERMS AND CONDITIONS, INTEREST, AND PENALTIES.**

(a) LESSEE OR DESIGNEE INTEREST.—Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721) is amended by adding after subsection (g) the following:

“(h) Interest shall be allowed and paid or credited on any overpayment, with such interest to accrue from the date such overpayment was made, at the rate obtained by applying the provisions of subparagraphs (A) and (B) of section 6621(a)(1) of the Internal Revenue Code of 1986, but determined without regard to the sentence following subparagraph (B) of section 6621(a)(1). Interest which has accrued on any overpayment may be applied to reduce an underpayment. This subsection applies to overpayments made later than six months after the date of enactment of this subsection or September 1, 1996, whichever is later. Such interest shall be paid from amounts received as current receipts from sales, bonuses, royalties (including interest charges collected under this section) and rentals of the public lands and the Outer Continental Shelf under the provisions of the Mineral Leasing Act, and the Outer Continental Shelf Lands Act, which are not payable to a State or the Reclamation Fund. The portion of any such interest payment attributable to any amounts previously disbursed to a State, the Reclamation Fund, or any other recipient designated by law shall be deducted from the next disbursements to that recipient made under the applicable law. Such amounts deducted from subsequent disbursements shall be credited to miscellaneous receipts in the Treasury.”

(b) LIMITATION ON INTEREST.—Section 111 of the Federal Oil and Gas Royalty Management Act of 1982, as amended by subsection (a), is further amended by adding at the end the following:

“(i) Upon a determination by the Secretary that an excessive overpayment (based upon all obligations of a lessee or its designee

for a given reporting month) was made for the sole purpose of receiving interest, interest shall be paid on the excessive amount of such overpayment. For purposes of this Act, an 'excessive overpayment' shall be the amount that any overpayment a lessee or its designee pays for a given reporting month (excluding payments for demands for obligations determined to be due as a result of judicial or administrative proceedings or agreed to be paid pursuant to settlement agreements) for the aggregate of all of its Federal leases exceeds 10 percent of the total royalties paid that month for those leases."

(c) ESTIMATED PAYMENT.—Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721), as amended by subsections (a) and (b), is further amended by adding at the end the following:

"(j) A lessee or its designee may make a payment for the approximate amount of royalties (hereinafter in this subsection 'estimated payment') that would otherwise be due for such lease by the rate royalties are due for that lease. When an estimated payment is made, actual royalties are payable at the end of the month following the month in which the estimated payment is made. If the estimated payment was less than the amount of actual royalties due, interest is owned on the underpaid amount. If the estimated payment exceeds the actual royalties due, interest is owned on the overpayment. If the lessee or its designee makes a payment for such actual royalties, the lessee or its designee may apply the estimated payment to future royalties. Any estimated payment may be adjusted, recouped, or reinstated at any time by the lessee or its designee."

(d) VOLUME ALLOCATION OF OIL AND GAS PRODUCTION.—Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721), as amended by subsections (a) through (c), is amended by adding at the end the following:

"(k)(1) Except as otherwise provided by this subsection—

"(A) a lessee or its designee of a lease in a unit or communitization agreement which contains only Federal leases with the same royalty rate and funds distribution shall report and pay royalties on oil and gas production for each production month based on the actual volume of production sold by or on behalf of that lessee;

"(B) a lessee or its designee of a lease in any other unit or communitization agreement shall report and pay royalties on oil and gas production for each production month based on the volume of oil and gas produced from such agreement and allocated to the lease in accordance with the terms of the agreement; and

"(C) a lessee or its designee of a lease that is not contained in a unit or communitization agreement shall report and pay royalties on oil and gas production for each production month based on the actual volume of production sold by or on behalf of that lessee.

"(2) This subsection applies only to requirements for reporting and paying royalties. Nothing in this subsection is intended to alter a lessee's liability for royalties on oil or gas production based on the share of production allocated to the lease in accordance with the terms of the lease, a unit or communitization agreement, or any other agreement.

“(3) For any unit or communitization agreement if all lessees contractually agree to an alternative method of royalty reporting and payment, the lessees may submit such alternative method to the Secretary or the delegated State for approval and make payments in accordance with such approved alternative method so long as such alternative method does not reduce the amount of the royalty obligation.

“(4) The Secretary or the delegated State shall grant an exception from the reporting and payment requirements for marginal properties by allowing for any calendar year or portion thereof royalties to be paid each month based on the volume of production sold. Interest shall not accrue on the difference for the entire calendar year or portion thereof between the amount of oil and gas actually sold and the share of production allocated to the lease until the beginning of the month following such calendar year or portion thereof. Any additional royalties due or overpaid royalties and associated interest shall be paid, refunded, or credited within six months after the end of each calendar year in which royalties are paid based on volumes of production sold. For the purpose of this subsection, the term ‘marginal property’ means a lease that produces on average the combined equivalent of less than 15 barrels of oil per well per day or 90 thousand cubic feet of gas per well per day, or a combination thereof, determined by dividing the average daily production of crude oil and natural gas from producing wells on such lease by the number of such wells, unless the Secretary, together with the State concerned, determines that a different production is more appropriate.

“(5) Not later than two years after the date of the enactment of this subsection, the Secretary shall issue any appropriate demand for all outstanding royalty payment disputes regarding who is required to report and pay royalties on production from units and communitization agreements outstanding on the date of the enactment of this subsection, and collect royalty amounts owed on such production.”

(e) **PRODUCTION ALLOCATION.**—Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721), as amended by subsections (a) through (d), is amended by adding at the end the following:

“(1) The Secretary shall issue all determinations of allocations of production for units and communitization agreements within 120 days of a request for determination. If the Secretary fails to issue a determination within such 120-day period, the Secretary shall waive interest due on obligations subject to the determination until the end of the month following the month in which the determination is made.”

(f) **NEW ASSESSMENT TO ENCOURAGE PROPER ROYALTY PAYMENTS.**—

(1) **IN GENERAL.**—The Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721), as amended by section 4(a), is further amended by adding at the end the following:

30 USC 1725.

“SEC. 116. ASSESSMENTS.

“Beginning eighteen months after the date of enactment of this section, to encourage proper royalty payment the Secretary or the delegated State shall impose assessments on a person who chronically submits erroneous reports under this Act. Assessments under this Act may only be issued as provided for in this section.”

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act (30 U.S.C. 1701) is amended by adding after the item relating to section 115 the following new item:

“Sec. 116. Assessments.”

(g) LIABILITY FOR ROYALTY PAYMENTS.—Section 102(a) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1712(a)) is amended to read as follows:

“(a) In order to increase receipts and achieve effective collections of royalty and other payments, a lessee who is required to make any royalty or other payment under a lease or under the mineral leasing laws, shall make such payments in the time and manner as may be specified by the Secretary or the applicable delegated State. A lessee may designate a person to make all or part of the payments due under a lease on the lessee’s behalf and shall notify the Secretary or the applicable delegated State in writing of such designation, in which event said designated person may, in its own name, pay, offset or credit monies, make adjustments, request and receive refunds and submit reports with respect to payments required by the lessee. Notwithstanding any other provision of this Act to the contrary, a designee shall not be liable for any payment obligation under the lease. The person owning operating rights in a lease shall be primarily liable for its pro rata share of payment obligations under the lease. If the person owning the legal record title in a lease is other than the operating rights owner, the person owning the legal record title shall be secondarily liable for its pro rata share of such payment obligations under the lease.”

(h) CLERICAL AMENDMENTS.—(1) The heading of section 111 of the Federal Oil and Gas Royalty management Act of 1982 (30 U.S.C. 1721) is amended to read as follows:

“ROYALTY TERMS AND CONDITIONS, INTEREST, AND PENALTIES”.

(2) The item relating to section 111 in the table of contents in section 1 of such Act (30 U.S.C. 1701) is amended to read as follows:

“Sec. 111. Royalty terms and conditions, interest, and penalties.”

#### SEC. 7. ALTERNATIVES FOR MARGINAL PROPERTIES.

(a) IN GENERAL.—The Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.), as amended by section 6 of this Act, is further amended by adding at the end the following:

##### “SEC. 117. ALTERNATIVES FOR MARGINAL PROPERTIES.

30 USC 1726.

“(a) DETERMINATION OF BEST INTERESTS OF STATE CONCERNED AND THE UNITED STATES.—The Secretary and the State concerned, acting in the best interests of the United States and the State concerned to promote production, reduce administrative costs, and increase net receipts to the United States and the States, shall jointly determine, on a case by case basis, the amount of what marginal production from a lease or leases or well or wells, or parts thereof, shall be subject to a prepayment under subsection (b) or regulatory relief under subsection (c). If the State concerned does not consent, such prepayments or regulatory relief shall not be made available under this section for such marginal production: *Provided*, That if royalty payments from a lease or leases, or well or wells are not shared with any State, such determination shall be made solely by the Secretary.

“(b) PREPAYMENT OF ROYALTY.—

“(1) IN GENERAL.—Notwithstanding the provisions of any lease to the contrary, for any lease or leases or well or wells identified by the Secretary and the State concerned pursuant to subsection (a), the Secretary is authorized to accept a prepayment for royalties in lieu of monthly royalty payments under the lease for the remainder of the lease term if the affected lessee so agrees. Any prepayment agreed to by the Secretary, State concerned and lessee which is less than an average \$500 per month in total royalties shall be effectuated under this section not earlier than two years after the date of enactment of this section and, any prepayment which is greater than an average \$500 per month in total royalties shall be effectuated under this section not earlier than three years after the date of enactment of this section. The Secretary and the State concerned may condition their acceptance of the prepayment authorized under this section on the lessee's agreeing to such terms and conditions as the Secretary and the State concerned deem appropriate and consistent with the purposes of this Act. Such terms may—

“(A) provide for prepayment that does not result in a loss of revenue to the United States in present value terms;

“(B) include provisions for receiving additional prepayments or royalties for developments in the lease or leases or well or wells that deviate significantly from the assumptions and facts on which the valuation is determined; and

“(C) require the lessee or its designee to provide such periodic production reports as may be necessary to allow the Secretary and the State concerned to monitor production for the purposes of subparagraph (B).

“(2) STATE SHARE.—A prepayment under this section shall be shared by the Secretary with any State or other recipient to the same extent as any royalty payment for such lease.

“(3) SATISFACTION OF OBLIGATION.—Except as may be provided in the terms and conditions established by the Secretary under subsection (b), a lessee or its designee who makes a prepayment under this section shall have satisfied in full the lessee's obligation to pay royalty on the production stream sold from the lease or leases or well or wells.

“(c) ALTERNATIVE ACCOUNTING AND AUDITING REQUIREMENTS.—Within one year after the date of the enactment of this section, the Secretary or the delegated State shall provide accounting, reporting, and auditing relief that will encourage lessees to continue to produce and develop properties subject to subsection (a): *Provided*, That such relief will only be available to lessees in a State that concurs, which concurrence is not required if royalty payments from the lease or leases or well or wells are not shared with any State. Prior to granting such relief, the Secretary and, if appropriate, the State concerned shall agree that the type of marginal wells and relief provided under this paragraph is in the best interest of the United States and, if appropriate, the State concerned.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act (30 U.S.C. 1701) is amended by adding after the item relating to section 116 the following new item:

“Sec. 117. Alternatives for marginal properties.”.

**SEC. 8. APPLICABILITY.**

(a) FOGRMA.—With respect to Federal lands, sections 202 and 307 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1732 and 1755), are no longer applicable. The applicability of those sections to Indian leases is not affected.

(b) OCSLA.—Effective on the date of the enactment of this Act, section 10 of the Outer Continental Shelf Lands Act (43 U.S.C. 1339) is repealed.

**SEC. 9. INDIAN LANDS.**

The amendments made by this Act shall not apply with respect to Indian lands, and the provisions of the Federal Oil and Gas Royalty Management Act of 1982 as in effect on the day before the date of enactment of this Act shall continue to apply after such date with respect to Indian lands.

**SEC. 10. PRIVATE LANDS.**

This Act shall not apply to any privately owned minerals.

**SEC. 11. EFFECTIVE DATE.**

Except as provided by section 115(h), section 111(h), section 111(k)(5), and section 117 of the Federal Oil and Gas Royalty Management Act of 1982 (as added by this Act), this Act, and the amendments made by this Act, shall apply with respect to the production of oil and gas after the first day of the month following the date of the enactment of this Act.

**SEC. 12. SAVINGS CLAUSE.**

Nothing in this Act shall be construed to give a State a property right or interest in any Federal lease or land.

Approved August 13, 1996.

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**LEGISLATIVE HISTORY—H.R. 1975:**

HOUSE REPORTS: No. 104-667 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 142 (1996):

July 16, considered and passed House.

Aug. 2, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 32 (1996):

Aug. 13, Presidential remarks and statement.

Public Law 104-186  
104th Congress

An Act

Aug. 20, 1996

[H.R. 2739]

House of  
Representatives  
Administrative  
Reform Technical  
Corrections Act.  
2 USC 31 note.

To provide for a representational allowance for Members of the House of Representatives, to make technical and conforming changes to sundry provisions of law in consequence of administrative reforms in the House of Representatives, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “House of Representatives Administrative Reform Technical Corrections Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—PROVISIONS RELATING TO ALLOWANCES AND ACCOUNTS IN THE HOUSE OF REPRESENTATIVES AND OTHER ADMINISTRATIVE MATTERS**

Sec. 101. Representational allowance for Members of House of Representatives.

Sec. 102. Adjustment of House of Representatives allowances by Committee on House Oversight.

Sec. 103. Limitation on allowance authority of Committee on House Oversight.

Sec. 104. Clerk hire employees of Members of House of Representatives.

Sec. 105. Payments from applicable accounts of House of Representatives.

Sec. 106. Report of disbursements for House of Representatives.

Sec. 107. Annotated United States Code for Members of House of Representatives to be paid for from Members' Representational Allowance.

Sec. 108. Capitol Police citation release.

**TITLE II—TECHNICAL AND CONFORMING AMENDMENTS AND REPEALS RELATING TO ADMINISTRATIVE REFORMS IN THE HOUSE OF REPRESENTATIVES**

Sec. 201. Provisions relating to election of Representatives.

Sec. 202. Provisions relating to organization of Congress.

Sec. 203. Provisions relating to compensation and allowances of Members.

Sec. 204. Provisions relating to officers and employees of House of Representatives.

Sec. 205. Provisions relating to Library of Congress.

Sec. 206. Provisions relating to congressional and committee procedure; investigations.

Sec. 207. Provisions relating to Office of Law Revision Counsel.

Sec. 208. Provisions relating to Legislative Classification Office.

Sec. 209. Provisions relating to classification of employees of House of Representatives.

Sec. 210. Provisions relating to payroll administration in House of Representatives.

Sec. 211. Provisions relating to contested elections.

Sec. 212. Provisions relating to Joint Committee on Congressional Operations.

Sec. 213. Provisions relating to Congressional Budget Office.

Sec. 214. Provisions relating to the States.

Sec. 215. Provisions relating to Government organization and employees.

Sec. 216. Provisions codified in appendices to title 5, United States Code.

Sec. 217. Provisions relating to commerce and trade.

Sec. 218. Provisions relating to foreign relations and intercourse.

Sec. 219. Provisions relating to money and finance.

- Sec. 220. Provisions relating to Postal Service.  
Sec. 221. Provisions relating to public buildings, property, and works.  
Sec. 222. Provisions relating to the public health and welfare.  
Sec. 223. Provisions relating to public printing and documents.  
Sec. 224. Provisions relating to territories and insular possessions.  
Sec. 225. Miscellaneous uncodified provisions relating to House of Representatives.

## **TITLE I—PROVISIONS RELATING TO ALLOWANCES AND ACCOUNTS IN THE HOUSE OF REPRESENTATIVES AND OTHER ADMINISTRATIVE MATTERS**

### **SEC. 101. REPRESENTATIONAL ALLOWANCE FOR MEMBERS OF HOUSE OF REPRESENTATIVES. 2 USC 57b.**

(a) IN GENERAL.—There is established for the House of Representatives a single allowance, to be known as the “Members’ Representational Allowance”, which shall be available to support the conduct of the official and representational duties of a Member of the House of Representatives with respect to the district from which the Member is elected.

(b) MERGER.—The Clerk Hire Allowance, the Official Expenses Allowance, and the Official Mail Allowance, as in effect on the day before the effective date of this section, are merged into the Members’ Representational Allowance.

(c) DEFINITION.—As used in this section, the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(d) REGULATIONS.—The Committee on House Oversight of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(e) EFFECTIVE DATE.—This section shall take effect on September 1, 1995 and shall apply with respect to official and representational duties carried out on or after that date.

### **SEC. 102. ADJUSTMENT OF HOUSE OF REPRESENTATIVES ALLOWANCES BY COMMITTEE ON HOUSE OVERSIGHT.**

House Resolution 457, Ninety-second Congress, agreed to July 21, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (2 U.S.C. 57), is amended to read as follows:

#### **“SECTION 1. ADJUSTMENT OF HOUSE OF REPRESENTATIVES ALLOWANCES BY COMMITTEE ON HOUSE OVERSIGHT.**

“(a) IN GENERAL.—Subject to the provision of law specified in subsection (b), the Committee on House Oversight of the House of Representatives may, by order of the Committee, fix and adjust the amounts, terms, and conditions of, and other matters relating to, allowances of the House of Representatives within the following categories:

“(1) For Members of the House of Representatives, the Members’ Representational Allowance, including all aspects of the Official Mail Allowance within the jurisdiction of the Committee under section 311 of the Legislative Branch Appropriations Act, 1991.

“(2) For committees, the Speaker, the Majority and Minority Leaders, the Clerk, the Sergeant at Arms, and the

Chief Administrative Officer, allowances for official mail (including all aspects of the Official Mail Allowance within the jurisdiction of the Committee under section 311 of the Legislative Branch Appropriations Act, 1991), stationery, and telephone and telegraph and other communications.

“(b) PROVISION SPECIFIED.—The provision of law referred to in subsection (a) is House Resolution 1372, Ninety-fourth Congress, agreed to July 1, 1976, as enacted into permanent law by section 101 of the Legislative Branch Appropriation Act, 1977 (2 U.S.C. 57a).

“(c) DEFINITION.—As used in this section, the term ‘Member of the House of Representatives’ means a Representative in, or a Delegate or Resident Commissioner to, the Congress.”.

**SEC. 103. LIMITATION ON ALLOWANCE AUTHORITY OF COMMITTEE ON HOUSE OVERSIGHT.**

House Resolution 1372, Ninety-fourth Congress, agreed to July 1, 1976, as enacted into permanent law by section 101 of the Legislative Branch Appropriation Act, 1977 (2 U.S.C. 57a), is amended to read as follows:

**“SECTION 1. LIMITATION ON ALLOWANCE AUTHORITY OF COMMITTEE ON HOUSE OVERSIGHT.**

“(a) IN GENERAL.—An order under the provision of law specified in subsection (c) may fix or adjust the allowances of the House of Representatives only by reason of—

“(1) a change in the price of materials, services, or office space;

“(2) a technological change or other improvement in office equipment; or

“(3) an increase under section 5303 of title 5, United States Code, in rates of pay under the General Schedule.

“(b) RESOLUTION REQUIREMENT.—In the case of reasons other than the reasons specified in paragraph (1), (2), or (3) of subsection (a), the fixing and adjustment of the allowances of the House of Representatives in the categories described in the provision of law specified in subsection (c) may be carried out only by resolution of the House of Representatives.

“(c) PROVISION SPECIFIED.—The provision of law referred to in subsections (a) and (b) is House Resolution 457, Ninety-second Congress, agreed to July 21, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (2 U.S.C. 57).”.

2 USC 92.

**SEC. 104. CLERK HIRE EMPLOYEES OF MEMBERS OF HOUSE OF REPRESENTATIVES.**

(a) IN GENERAL.—Under the Members’ Representational Allowance, each Member of the House of Representatives may employ not more than 18 permanent clerk hire employees and a total of not more than 4 additional clerk hire employees in the following categories:

- (1) Interns.
- (2) Part-time employees.
- (3) Shared employees.
- (4) Temporary employees.
- (5) Employees on leave without pay.

(b) **BENEFIT EXCLUSION.**—For purposes of this section, interns and temporary employees shall be excluded from the operation of the following provisions of title 5, United States Code:

(1) Chapter 84 (relating to the Federal Employees' Retirement System).

(2) Chapter 87 (relating to life insurance).

(3) Chapter 89 (relating to health insurance).

(c) **DEFINITIONS.**—As used in this section—

(1) the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress;

(2) the term "intern" means, with respect to a Member of the House of Representatives, an individual who serves in the office of the Member in the District of Columbia for not more than 120 days in a 12-month period and whose service is primarily for the educational experience of the individual;

(3) the term "part-time employee" means, with respect to a Member of the House of Representatives, an individual who is employed by the Member and whose normally assigned work schedule is not more than the equivalent of 15 full working days per month;

(4) the term "temporary employee" means, with respect to a Member of the House of Representatives, an individual who is employed for a specific purpose or task and who is employed for not more than 90 days in a 12-month period, except that the term of such employment may be extended with the written approval of the Committee on House Oversight; and

(5) the term "shared employee" means an employee who is paid by more than one employing authority of the House of Representatives.

(d) **REGULATIONS.**—The Committee on House Oversight shall have authority to prescribe regulations to carry out this section.

(e) **CONFORMING AMENDMENTS.**—The following provisions of law are repealed:

(1) The first section of the Joint Resolution entitled "Joint resolution providing for pay to clerks to Members of Congress and Delegates", approved January 25, 1923 (2 U.S.C. 92).

(2) House Resolution 359, Ninety-sixth Congress, agreed to July 20, 1979, as enacted into permanent law by the bill H.R. 7593, entitled the "Legislative Branch Appropriation Act, 1981", as passed by the House of Representatives on July 21, 1980, and enacted into permanent law by section 101(c) of Public Law 96-536 (2 U.S.C. 92 note).

(3) The first section of House Resolution 357, Ninety-first Congress, agreed to June 25, 1969, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1970 (2 U.S.C. 92 note).

**SEC. 105. PAYMENTS FROM APPLICABLE ACCOUNTS OF HOUSE OF REPRESENTATIVES.** 2 USC 95-1.

(a) **IN GENERAL.**—No payment may be made from the applicable accounts of the House of Representatives (as determined by the Committee on House Oversight of the House of Representatives), unless sanctioned by that Committee. Payments on vouchers approved in the manner directed by that Committee shall be

deemed, held, and taken, and are declared to be conclusive upon all the departments and officers of the Government.

(b) DEFINITIONS.—As used in this section—

(1) the term “applicable accounts of the House of Representatives” means accounts for salaries and expenses of committees (other than the Committee on Appropriations), the computer support organization of the House of Representatives, and allowances and expenses of Members of the House of Representatives, officers of the House of Representatives, and administrative and support offices of the House of Representatives; and

(2) the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

2 USC 68, 95.

(c) CONFORMING AMENDMENTS.—The paragraph beginning “Hereafter” under the heading “UNDER LEGISLATIVE.” and the subheading “HOUSE OF REPRESENTATIVES.” in the first section of the Act entitled “An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes”, approved October 2, 1888 (2 U.S.C. 95), is amended—

(1) in the first sentence, by striking out “, or from the contingent fund” and all that follows through the end of the sentence and inserting in lieu thereof a period; and

(2) in the second sentence—

(A) by striking out “made upon vouchers approved by the Committee on House Administration of the House of Representatives, and payments”; and

(B) in the proviso, by striking out “funds” and all that follows through the end of the sentence and inserting in lieu thereof “fund as additional salary or compensation to any officer or employee of the Senate.”.

2 USC 104b.

#### SEC. 106. REPORT OF DISBURSEMENTS FOR HOUSE OF REPRESENTATIVES.

(a) IN GENERAL.—Not later than 60 days after the last day of each semiannual period, the Chief Administrative Officer of the House of Representatives shall submit to the House of Representatives, with respect to that period, a detailed, itemized report of the disbursements for the operations of the House of Representatives.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the name of each person who receives a payment from the House of Representatives;

(2) the quantity and price of any item furnished to the House of Representatives;

(3) a description of any service rendered to the House of Representatives, together with a statement of the time required for the service, and the name, title, and amount paid to each person who renders the service;

(4) a statement of all amounts appropriated to, or received, or expended by the House of Representatives, and any unexpended balances of such amounts;

(5) the information submitted to the Comptroller General under section 3523(a) of title 31, United States Code; and

(6) such additional information as may be required by regulation of the Committee on House Oversight of the House of Representatives.

(c) **EXCLUSION.**—Notwithstanding subsection (b), if a voucher is for payment to an individual for attendance as a witness before a committee of the Congress in executive session, the report for the semiannual period in which the appearance occurs shall show only the date of payment, voucher number, and amount paid. Any information excluded from a report under the preceding sentence shall be included in the report for the next period.

(d) **HOUSE DOCUMENT.**—Each report under this section shall be printed as a House document.

(e) **CONFORMING PROVISION.**—The provisions of—

(1) sections 60, 61, 62, and 63 of the Revised Statutes of the United States (2 U.S.C. 102, 103, and 104); and

(2) section 105(a) of the Legislative Branch Appropriation Act, 1965 (2 U.S.C. 104a);

that require submission and printing of statements and reports are not applicable to the House of Representatives.

(f) **EFFECTIVE DATE.**—This section shall apply to the semiannual periods of January 1 through June 30 and July 1 through December 31 of each year, beginning with the semiannual period in which this section is enacted.

**SEC. 107. ANNOTATED UNITED STATES CODE FOR MEMBERS OF HOUSE OF REPRESENTATIVES TO BE PAID FOR FROM MEMBERS' REPRESENTATIONAL ALLOWANCE.** 2 USC 54.

(a) **IN GENERAL.**—The Clerk of the House of Representatives shall, at the request of a Member of the House of Representatives, furnish to the Member, for official use only, one set of a privately published annotated version of the United States Code, including supplements and pocket parts. The furnishing of a set of the United States Code under this section shall be in lieu of any distribution under section 212 of title 1, United States Code, and shall be paid for from the Members' Representational Allowance.

(b) **DEFINITION.**—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(c) **REGULATIONS.**—The Committee on House Oversight of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(d) **CONFORMING AMENDMENT.**—House Resolution 506, Ninetieth Congress, agreed to August 21, 1967, as enacted into permanent law by chapter VIII of the Second Supplemental Appropriation Act, 1968 (2 U.S.C. 54), is repealed.

**SEC. 108. CAPITOL POLICE CITATION RELEASE.**

40 USC 212a-5.

(a) **IN GENERAL.**—The Chief of the Capitol Police, with the approval of the Capitol Police Board, may designate a member of the Capitol Police to have responsibility for citation release.

(b) **AUTHORITY.**—(1) In the same manner as provided for with respect to an official of the Metropolitan Police Department of the District of Columbia under section 23-1110(a) of the District of Columbia Code, the Superior Court of the District of Columbia shall have the authority to appoint the member of the Capitol Police designated under subsection (a) of this section to take bail or collateral from persons charged with offenses triable in the

Courts.

Superior Court of the District of Columbia. Pursuant to that authority—

(A) the citation power described in subsection (b) of section 23-1110 of the District of Columbia Code shall be exercised by such member of the Capitol Police in the same manner as by an official of the Metropolitan Police Department; and

(B) paragraph (4) of subsection (b) of section 23-1110 of the District of Columbia Code, relating to failure to appear, shall apply with respect to citations under subparagraph (A) of this paragraph.

(2) The United States District Court for the District of Columbia shall have the power to authorize the member of the Capitol Police referred to in subsection (a) of this section to take bond from persons arrested upon writs and process from that court in criminal cases in the same manner as provided for with respect to an official of the Metropolitan Police Department of the District of Columbia under the third sentence of section 23-1110(a) of the District of Columbia Code.

## **TITLE II—TECHNICAL AND CONFORMING AMENDMENTS AND REPEALS RELATING TO ADMINISTRATIVE REFORMS IN THE HOUSE OF REPRESENTATIVES**

### **SEC. 201. PROVISIONS RELATING TO ELECTION OF REPRESENTATIVES.**

The provisions of law relating to election of Representatives, as codified in chapter 1 of title 2, United States Code, are amended as follows:

The third sentence of section 22(b) of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, approved June 28, 1929 (2 U.S.C. 2a(b)), is amended by striking out the semicolon after “Representatives” the first place it appears and all that follows through the end of the sentence and inserting in lieu thereof a period.

### **SEC. 202. PROVISIONS RELATING TO ORGANIZATION OF CONGRESS.**

The provisions of law relating to organization of Congress, as codified in chapter 2 of title 2, United States Code, are amended as follows:

(1) Section 204(a) of the District of Columbia Delegate Act (2 U.S.C. 25b) is repealed.

(2) Section 33 of the Revised Statutes of the United States (2 U.S.C. 26, third sentence) is repealed.

(3) Section 2(c) of Public Law 94-551 (2 U.S.C. 28c(c)) is amended—

(A) in paragraph (2), by striking out “Representatives” and inserting in lieu thereof “Representatives”; and

(B) in paragraph (5), by striking out “, to the Sergeant” and all that follows through the end of the paragraph and inserting in lieu thereof “and to the Sergeant at Arms of the House of Representatives, each two sets;”.

(4) Section 202 of House Resolution 988, Ninety-third Congress, agreed to October 8, 1974, as enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a), is amended—

(A) in subsection (b)(2), by striking out “House Administration” each place it appears and inserting in lieu thereof “House Oversight”; and

(B) in subsection (c), by striking out “contingent fund of the House is” and inserting in lieu thereof “applicable accounts of the House of Representatives are”.

#### SEC. 203. PROVISIONS RELATING TO COMPENSATION AND ALLOWANCES OF MEMBERS.

The provisions of law relating to compensation and allowances of Members, as codified in chapter 3 of title 2, United States Code, are amended as follows:

(1) Subsection (e) of the first section of the Act entitled “An Act to increase rates of compensation of the President, Vice President, and the Speaker of the House of Representatives”, approved January 19, 1949 (2 U.S.C. 31b), is amended by striking out “(which shall be in lieu of the allowance provided by section 601(b) of the Legislative Reorganization Act of 1946, as amended)”.

(2) Section 2 of House Resolution 1238, Ninety-first Congress, agreed to December 23, 1970, as enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971 (2 U.S.C. 31b-2), is amended—

(A) by striking out “contingent fund of the House” and inserting in lieu thereof “applicable accounts of the House of Representatives”; and

(B) by striking out “base allowance” and all that follows through “Member of the House” and inserting in lieu thereof “Members’ Representational Allowance”.

(3) The first sentence of section 5 of House Resolution 1238, Ninety-first Congress, agreed to December 22, 1970 (as enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971, and supplemented by the Act entitled “An Act relating to former Speakers of the House of Representatives” (88 Stat. 1723)) (2 U.S.C. 31b-5), is amended by striking out “to enable the Clerk of the House to pay” and inserting in lieu thereof “for payment of”.

(4) Sections 49 and 50 of the Revised Statutes of the United States (2 U.S.C. 38) are repealed.

(5) Section 105 of the Legislative Branch Appropriation Act, 1955 (2 U.S.C. 38a) is amended—

(A) in the first undesignated paragraph, by striking out “(including amounts held in the trust fund account in the office of the Sergeant at Arms)”; and

(B) in the second undesignated paragraph, by striking out “Sergeant at Arms, and received by the Sergeant at Arms” and inserting in lieu thereof “Chief Administrative Officer of the House of Representatives and received by the Chief Administrative Officer”.

(6) The proviso in the first paragraph under the heading “LEGISLATIVE BRANCH” and the subheading “HOUSE OF REPRESENTATIVES” in chapter I of the Third Supplemental Appropriation Act, 1952 (2 U.S.C. 38b; 2 U.S.C. 125a) is

amended by striking out “contingent fund of the House of Representatives or” and inserting in lieu thereof “applicable accounts of the House of Representatives or the contingent fund”.

(7) Section 40 of the Revised Statutes of the United States (2 U.S.C. 39) is amended by striking out “Sergeant-at-Arms of the House” and inserting in lieu thereof “the Chief Administrative Officer of the House of Representatives (upon certification by the Clerk of the House of Representatives)”.

(8) The proviso in the last undesignated paragraph under the center heading “LEGISLATIVE ESTABLISHMENT” and the center subheading “HOUSE OF REPRESENTATIVES” in the Deficiency Appropriation Act, fiscal year 1934 (2 U.S.C. 40a) is amended—

(A) by striking out “Sergeant at Arms of the House” the first place it appears and inserting in lieu thereof “Chief Administrative Officer of the House of Representatives”; and

(B) by striking out “Sergeant at Arms of the House shall be paid to the Clerk of the House and” inserting in lieu thereof “Chief Administrative Officer of the House of Representatives shall be”.

(9)(A) Section 43 of the Revised Statutes of the United States (2 U.S.C. 41) is repealed.

(B) Section 302(c) of House Resolution 287, Ninety-fifth Congress, agreed to March 2, 1977, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 41 note), is repealed.

(10) The first section of House Resolution 420, Ninety-second Congress, agreed to May 18, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (2 U.S.C. 42), is repealed.

(11) Section 44 of the Revised Statutes of the United States (2 U.S.C. 42 note) is repealed.

(12)(A) The provisions of law specified in subparagraph (B), codified as sections 42c, 42c note, and 42d of title 2, United States Code, are repealed.

(B) The provisions of law referred to in subparagraph (A) are—

(i) the Act entitled “An Act to provide airmail and special delivery postage stamps for Members of the House of Representatives on the basis of regular sessions of Congress, and for other purposes”, approved August 27, 1958;

(ii) House Resolution 532, Eighty-eighth Congress, agreed to October 2, 1963, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1965; and

(iii) House Resolution 1003, Ninetieth Congress, agreed to December 14, 1967, as enacted into permanent law by chapter VIII of title I of the Second Supplemental Appropriation Act, 1968.

(13) The last paragraph under the heading “SENATE” and the subheading “ADMINISTRATIVE PROVISIONS” in the first section of the Legislative Branch Appropriation Act, 1959 (2 U.S.C. 43b) is repealed.

(14) Section 2 of Public Law 89-147 (2 U.S.C. 43b-1) is repealed.

(15) Section 2 of House Resolution 10, Ninety-fourth Congress, agreed to January 14, 1975, as enacted into permanent law by section 201 of the Legislative Branch Appropriation Act, 1976 (2 U.S.C. 43b-3), is amended by striking out "House Administration" each place it appears and inserting in lieu thereof "House Oversight".

(16)(A) The provisions of law specified in subparagraph (B), codified as section 46b of title 2, United States Code, are amended, repealed, or affected as provided in that subparagraph.

(B) The amendments, repeals, and effects referred to in subparagraph (A) are as follows:

(i) The paragraph beginning "Stationery" under the heading "HOUSE OF REPRESENTATIVES" and the subheading "CONTINGENT EXPENSES OF THE HOUSE" in the Legislative Appropriation Act, 1955, is amended by striking out "(which hereafter shall be \$1,200 per regular session)".

(ii) That portion of the paragraph under the heading "HOUSE OF REPRESENTATIVES" and the subheading "STATIONERY (REVOLVING FUND)" in the first section of the Legislative Branch Appropriation Act, 1961, that has been interpreted as increasing the stationery allowance from \$1,200 to \$1,800 shall have no further force or effect.

(iii) House Resolution 533, Eighty-eighth Congress, agreed to October 2, 1963, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1965, is repealed.

(iv) House Resolution 1029, Eighty-ninth Congress, agreed to October 5, 1966, as continued by House Resolution 112, Ninetieth Congress, agreed to March 8, 1967, as enacted into permanent law by chapter VIII of the Second Supplemental Appropriation Act, 1967, is repealed.

(17) The Act entitled "An Act to provide for a prorated stationery allowance in the case of a Member of the House of Representatives elected for a portion of a term", approved February 27, 1956 (2 U.S.C. 46b-2), is repealed.

(18)(A) The first section of the Act entitled "An Act relating to telephone and telegraph service and clerk hire for Members of the House of Representatives", approved June 23, 1949 (2 U.S.C. 46f) is repealed.

(B)(i) The provisions of law specified in clause (ii), codified as section 46g of title 2, United States Code, are repealed.

(ii) The provisions of law referred to in clause (i) are—

(I) section 2 of the Act entitled "An Act relating to telephone and telegraph service and clerk hire for Members of the House of Representatives", approved June 23, 1949;

(II) House Resolution 735, Eighty-seventh Congress, agreed to July 25, 1962, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1964;

(III) House Resolution 531, Eighty-eighth Congress agreed to October 2, 1963, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1965; and

(IV) House Resolution 901, Eighty-ninth Congress, agreed to June 29, 1966, as enacted into permanent law by chapter VI of the Supplemental Appropriation Act, 1967.

(C) Section 6 of the Act entitled “An Act relating to telephone and telegraph service and clerk hire for Members of the House of Representatives”, approved June 23, 1949 (2 U.S.C. 46i) is repealed.

(19) The first section of House Resolution 418, Ninety-second Congress, agreed to May 18, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (2 U.S.C. 46g-1), is repealed.

(20)(A) Section 2 of House Resolution 418, Ninety-second Congress, agreed to May 18, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (2 U.S.C. 56), is repealed.

(B) The section designation and subsections (a), (b), and (d) of section 302 of House Resolution 287, Ninety-fifth Congress, agreed to March 2, 1977, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 56 note, 2 U.S.C. 122a note), are repealed.

(21)(A) The second undesignated paragraph of the first section of House Resolution 1297, Ninety-fifth Congress, agreed to August 16, 1978, as enacted into permanent law by section 111(1) of the Congressional Operations Appropriation Act, 1984 (2 U.S.C. 59d(a)), is amended by striking out “Clerk of the House of Representatives” and inserting in lieu thereof “Chief Administrative Officer of the House of Representatives”.

(B) The first undesignated paragraph of the first section of House Resolution 1297, Ninety-fifth Congress, agreed to August 16, 1978, as enacted into permanent law by section 111(1) of the Congressional Operations Appropriation Act, 1984 (2 U.S.C. 59d(a)), is amended by striking out “contingent fund” and inserting in lieu thereof “applicable accounts”.

(C) The second undesignated paragraph of the first section of House Resolution 1297, Ninety-fifth Congress, agreed to August 16, 1978, as enacted into permanent law by section 111(1) of the Congressional Operations Appropriation Act, 1984 (2 U.S.C. 59d(a)), as amended by subparagraph (A), is further amended by striking out “House Administration” and inserting in lieu thereof “House Oversight”.

(D) Section 2(1) of House Resolution 1297, Ninety-fifth Congress, agreed to August 16, 1978, as enacted into permanent law by section 111(1) of the Congressional Operations Appropriation Act, 1984 (2 U.S.C. 59d(b)(1)), is amended to read as follows:

“(1) the term ‘Member of the House of Representatives’ means a Representative in, or a Delegate or Resident Commissioner to, the Congress; and”.

(22)(A) Section 311(a)(3) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e(a)(3)) is amended by striking out “Clerk of the House of Representatives” and inserting in lieu thereof “Chief Administrative Officer of the House of Representatives”.

(B) Section 311 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e) is amended—

(i) in the matter before paragraph (1) in subsection (a), by striking out “House Administration” and inserting in lieu thereof “House Oversight”;

(ii) in subsection (a)(3), by striking out “House Administration” and inserting in lieu thereof “House Oversight”;

(iii) in subsection (b), by striking out “House Administration” and inserting in lieu thereof “House Oversight”;

(iv) in subsection (e)(1)(A), by striking out “House Administration” and inserting in lieu thereof “House Oversight”;

(v) in subsection (e)(2)(A), by striking out “only”;

(vi) in subsection (e)(3)(A), by striking out “Official Expenses Allowance and the Clerk Hire Allowance” and inserting in lieu thereof “Members’ Representational Allowance”; and

(vii) in subsection (e)(4), by striking out “Official Expenses Allowance” and inserting in lieu thereof “Members’ Representational Allowance”.

**SEC. 204. PROVISIONS RELATING TO OFFICERS AND EMPLOYEES OF HOUSE OF REPRESENTATIVES.**

The provisions of law relating to officers and employees of the House of Representatives, as codified in chapter 4 of title 2, United States Code, are amended as follows:

(1) Section 5 of the Federal Pay Comparability Act of 1970 (2 U.S.C. 60a-2) is amended—

(A) in the matter before paragraph (1) in subsection (a), by striking out “Clerk of the House of Representatives” and inserting in lieu thereof “Chief Administrative Officer of the House of Representatives”;

(B) in subsection (a)(1)(A), by striking out “Clerk of the House” and inserting in lieu thereof “Chief Administrative Officer”;

(C) in subsection (a)(1)(B), by striking out “, including” and all that follows through the end of clause (ii) and inserting in lieu thereof a semicolon;

(D) in the matter following subparagraph (B) in subsection (a)(1), by striking out “Clerk” and inserting in lieu thereof “Chief Administrative Officer”;

(E) in subsection (a)(2), by striking out “Clerk” each place it appears and inserting in lieu thereof “Chief Administrative Officer”;

(F) in subsection (b), by striking out “Clerk of the House” and inserting in lieu thereof “Chief Administrative Officer”; and

(G) in subsection (d), by striking out “Clerk of the House of Representatives” and inserting in lieu thereof “Chief Administrative Officer”.

(2) Paragraph (1) of subsection (d) of section 311 of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 60a-2a(1)) is amended, in the matter before subparagraph (A), by striking out “Clerk of the House of Representatives” and inserting in lieu thereof “Chief Administrative Officer of the House of Representatives”.

(3) The first section and section 2 of the Joint Resolution entitled “Joint resolution authorizing the payment of salaries of the officers and employees of Congress for December on the 20th day of that month each year”, approved May 21, 1937 (2 U.S.C. 60d and 60e), are each amended by striking out “Clerk” and inserting in lieu thereof “Chief Administrative Officer”.

(4) The first section of House Resolution 732, Ninety-fourth Congress, agreed to November 4, 1975, as enacted into permanent law by section 101 of the Legislative Branch Appropriation Act, 1977 (2 U.S.C. 60e-1a), is amended—

(A) in the first sentence of subsection (a), by striking out “Clerk” the first place it appears and all that follow through “provisions of” and inserting in lieu thereof “Chief Administrative Officer of the House of Representatives shall, in accordance with”;

(B) in the second sentence of subsection (a), by striking out “provide that—” and all that follows through “shall withhold” and inserting in lieu thereof “provide that the Chief Administrative Officer shall withhold”;

(C) in subsection (b), by striking out “Clerk or the Sergeant at Arms” and inserting in lieu thereof “Chief Administrative Officer”;

(D) in subsection (c)(1), by striking out “Clerk and the Sergeant at Arms” and inserting in lieu thereof “Chief Administrative Officer”;

(E) in subsection (c)(2), by striking out “Clerk or the Sergeant at Arms, as the case may be,” each place it appears and inserting in lieu thereof “Chief Administrative Officer”; and

(F) in subsections (d) and (e), by striking out “Clerk or the Sergeant at Arms” each place it appears and inserting in lieu thereof “Chief Administrative Officer”.

(5)(A) The first section of House Resolution 12, Ninety-fifth Congress, agreed to August 5, 1977, as enacted into permanent law by section 111 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 60e-1c), is amended—

(i) in subsection (a), by striking out “Clerk” and inserting in lieu thereof “Chief Administrative Officer”; and

(ii) in subsection (b) and subsection (d), by striking out “Clerk” each place it appears and inserting in lieu thereof “Chief Administrative Officer of the House of Representatives”.

(B) Section 2 of House Resolution 12, Ninety-fifth Congress, agreed to August 5, 1977, as enacted into permanent law by section 111 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 60e-1d), is amended—

(i) in paragraph (1), by adding “and” after the semicolon at the end;

(ii) by striking out paragraph (2);

(iii) in paragraph (3), by striking out “Clerk” and inserting in lieu thereof “Chief Administrative Officer of the House of Representatives”; and

(iv) by redesignating paragraph (3), as amended by clause (iii), as paragraph (2).

(6) Subsection (b) of the first section of House Resolution 420, Ninety-third Congress, agreed to September 18, 1973, as enacted into permanent law by chapter VI of the Supplemental Appropriations Act, 1974 (2 U.S.C. 60g-2(b)), is amended by striking out “Clerk” and inserting in lieu thereof “Chief Administrative Officer”.

(7) The first section of House Resolution 420, Ninety-third Congress, agreed to September 18, 1973, as enacted into permanent law by chapter VI of the Supplemental Appropriations Act, 1974 (2 U.S.C. 60g-2(b)), is amended by striking out “Clerk” and inserting in lieu thereof “Chief Administrative Officer”.

nent law by chapter VI of the Supplemental Appropriations Act, 1974 (2 U.S.C. 60g-2), is amended—

(A) in the third sentence of subsection (a), by striking out “contingent fund of the House” and inserting in lieu thereof “applicable accounts of the House of Representatives”; and

(B) in subsection (c), by striking out “House Administration” and inserting in lieu thereof “House Oversight”.

(8) Section 310(a) of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 60j-2) is amended—

(A) by striking out “Clerk” each place it appears and inserting in lieu thereof “Chief Administrative Officer”; and

(B) by striking out “SEC. 310. (a)” and inserting in lieu thereof “SEC. 310.”.

(9) Section 105 of the Legislative Branch Appropriation Act, 1968 is amended by striking out subsection (j) (2 U.S.C. 61-1(g)).

(10)(A) Subsections (f), (i)(1), and (i)(3) of section 202 of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(f), (i)(1), and (i)(3)) are each amended by striking out “House Administration” each place it appears and inserting in lieu thereof “House Oversight”.

(B) Subsection (i)(1) of section 202 of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)(1)), as amended by subparagraph (A), is further amended—

(i) by striking out “contingent funds of the respective Houses pursuant to resolutions, which” and inserting in lieu thereof “contingent fund of the Senate or the applicable accounts of the House of Representatives pursuant to resolutions which, in the case of the Senate,”; and

(ii) by striking out “such respective Houses” and inserting in lieu thereof “the appropriate House”.

(11) Subsection (j)(1) of section 202 of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j)(1)) is amended—

(A) in the first sentence, by striking out “Committee on House Administration” and all that follows through “respective Houses” and inserting in lieu thereof “committee involved in the case of standing committees of the House of Representatives, and within the limits of funds made available from the contingent fund of the Senate or the applicable accounts of the House of Representatives pursuant to resolutions, which, in the case of the Senate, shall specify the maximum amounts which may be used for such purpose, approved by the appropriate House”; and

(B) in the second sentence, by striking out “Clerk of the House” and inserting in lieu thereof “Chief Administrative Officer of the House of Representatives”.

(12) The paragraph beginning “The appropriation for committee employees” under the heading “HOUSE OF REPRESENTATIVES” and the subheading “CONTINGENT EXPENSES OF THE HOUSE” in the first section of the Legislative Branch Appropriation Act, 1948 (2 U.S.C. 72b) is amended by striking out “House Administration” and inserting in lieu thereof “House Oversight”.

(13) The last undesignated paragraph under the center heading "HOUSE OF REPRESENTATIVES" and the center subheading "CONTINGENT EXPENSES OF THE HOUSE" in the first section of the Legislative Branch Appropriation Act, 1948 (2 U.S.C. 72c) is repealed.

(14) The first section of House Resolution 487, Eighty-seventh Congress, agreed to January 10, 1962, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1963 (2 U.S.C. 74-1), is amended by striking out "contingent fund of the House" and inserting in lieu thereof "applicable accounts of the House of Representatives".

(15)(A) Subsection (b) of the first section of House Resolution 393, Ninety-fifth Congress, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 74a-3), is amended by striking out "contingent fund of the House" and inserting in lieu thereof "applicable accounts of the House of Representatives".

(B) Section 2 of House Resolution 393, Ninety-fifth Congress, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 74a-4), is amended by striking out "contingent fund of the House" and inserting in lieu thereof "applicable accounts of the House of Representatives".

(16) Section 112 of the Congressional Operations Appropriation Act, 1984 (2 U.S.C. 74a-5 and 2 U.S.C. 333a) is amended by striking out "sections 74(a)-4 and 333 of title 2, United States Code," and inserting in lieu thereof "section 2 of House Resolution 393, Ninety-fifth Congress, agreed to March 31, 1977, as enacted into permanent law by section 115 of the Congressional Operations Appropriation Act, 1978, and section 473 of the Legislative Reorganization Act of 1970,".

(17) Section 101 of the Legislative Branch Appropriations Act, 1995 (2 U.S.C. 74a-6) is repealed.

(18) Section 244 of the Legislative Reorganization Act of 1946 (2 U.S.C. 74b) is amended—

(A) by striking out "and the Clerk of the House are" and inserting in lieu thereof "is"; and

(B) by striking out "their respective jurisdictions" and inserting in lieu thereof "the jurisdiction of the Secretary".

(19) Section 7 of the Legislative Branch Appropriation Act, 1943 (2 U.S.C. 75a) is amended—

(A) in the first sentence—

(i) by striking out "Clerk of the House of Representatives, the accounts of such Clerk" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives, the accounts of the Chief Administrative Officer"; and

(ii) by striking out "new Clerk of the House of Representatives shall have been elected and qualified" and inserting in lieu thereof "new Chief Administrative Officer shall have been appointed";

(B) in the second sentence—

(i) by striking out ", audited,";

(ii) by striking out "former Clerk of the House of Representatives" and inserting in lieu thereof "former Chief Administrative Officer"; and

(iii) by striking out “such former Clerk” and inserting in lieu thereof “the former Chief Administrative Officer”;

(C) in the third sentence—

(i) by striking out “The former Clerk” and inserting in lieu thereof “The former Chief Administrative Officer”; and

(ii) by striking out “such former Clerk” and inserting in lieu thereof “the former Chief Administrative Officer”; and

(D) by adding at the end the following new sentence:

“The accounts and payments referred to in the second sentence shall be audited by the Inspector General of the House of Representatives.”.

(20) Section 208(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 75a-1(a)) is amended by striking out “Doorkeeper, Postmaster,” each place it appears and inserting in lieu thereof “Chief Administrative Officer”.

(21) Section 7 of the Revised Statutes of the United States (2 U.S.C. 76) is repealed.

(22)(A) The first section of House Resolution 8, Ninety-fifth Congress, agreed to January 4, 1977, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 76-1), is amended—

(i) in paragraph (1), by striking out the comma after “1976” and inserting in lieu thereof “; and”;

(ii) in paragraph (2), by striking out “, and” after “91-510” and inserting in lieu thereof a period; and

(iii) by striking out paragraph (3).

(B)(i) The provisions of law specified in clause (ii), codified in section 76-1 note of title 2, United States Code, are repealed or amended as provided in that clause.

(ii) The repeals and amendments clause (i) are as follows:

(I) House Resolution 909, Eighty-ninth Congress, agreed to September 8, 1966, as enacted into permanent law by chapter VI of the Supplemental Appropriation Act, 1967, is repealed.

(II) Subsection (a) of the first section of House Resolution 890, Ninety-second Congress, agreed to October 4, 1972, as enacted into permanent law by the paragraph under the heading “LEGISLATIVE BRANCH” and the subheadings “HOUSE OF REPRESENTATIVES” and “ADMINISTRATIVE PROVISION”, in chapter V of the Supplemental Appropriations Act, 1973, is amended by striking out “the Doorkeeper,”.

(23) House Resolution 560, Eighty-seventh Congress, agreed to March 27, 1962, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1963 (2 U.S.C. 76a), is repealed.

(24) Section 2 of House Resolution 603, Eighty-seventh Congress, agreed to April 16, 1962, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1964 (2 U.S.C. 76b), is repealed.

(25) The Act entitled “An Act defining certain duties of the Sergeant-at-Arms of the House of Representatives, and for other purposes”, approved October 1, 1890, is amended—

2 USC 75-1,  
76-1, 77a.

(A) in the first section (2 U.S.C. 78), by striking out “, keep the” and all that follows through “by law”; and

(B) in section 3 (2 U.S.C. 80), by striking out “Sergeant-at-Arms” and inserting in lieu thereof “Chief Administrative Officer”.

(26) The next to the last undesignated paragraph under the center heading “LEGISLATIVE” and the center subheading “HOUSE OF REPRESENTATIVES”, in the first section of the Second Deficiency Act, fiscal year, 1928 (2 U.S.C. 80a), is amended by striking out “Sergeant-at-Arms of the House” and inserting in lieu thereof “Chief Administrative Officer of the House of Representatives”.

(27) The Joint Resolution entitled “Joint resolution to provide for on-the-spot audits by the General Accounting Office of the fiscal records of the Office of the Sergeant at Arms of the House of Representatives”, approved July 26, 1949 (2 U.S.C. 81a), is repealed.

(28) House Resolution 465, Eighty-fourth Congress, agreed to April 11, 1956, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 81b), is repealed.

(29) House Resolution 144, Eighty-fifth Congress, agreed to February 7, 1957, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1958 (2 U.S.C. 81c), is repealed.

(30) Section 7 of the Act entitled “An Act defining certain duties of the Sergeant-at-Arms of the House of Representatives, and for other purposes”, approved October 1, 1890 (2 U.S.C. 84), is repealed.

(31) House Resolution 6, Ninety-eighth Congress, agreed to January 3, 1983, as enacted into permanent law by section 110 of the Congressional Operations Appropriation Act, 1984 (2 U.S.C. 84-1), is repealed.

(32) House Resolution 1495, Ninety-fourth Congress, agreed to September 30, 1976, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 84a-1), is repealed.

(33) The eighth, ninth, tenth, eleventh, thirteenth, and fourteenth undesignated paragraphs relating to contingent expenses, under the center heading “LEGISLATIVE.” and the center subheading “HOUSE OF REPRESENTATIVES.”, in the first section of the Act entitled “An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes”, approved March 3, 1901 (2 U.S.C. 85, 86, 87, 88, 90, and 91), are repealed.

(34)(A) Section 243 of the Legislative Reorganization Act of 1946 (2 U.S.C. 88a) is repealed.

(B) The table of contents of the Legislative Reorganization Act of 1946 is amended, in the matter relating to part 3 of title II (60 Stat. 813), by striking out the item relating to section 243.

(C) Section 492(i) of the Legislative Reorganization Act of 1970 (40 U.S.C. 184a(i)) is amended by striking out “section 243” and all that follows through “or”.

(35)(A) The provisions of law specified in subparagraph (B), codified as section 88b of title 2, United States Code, are amended or repealed as provided in that subparagraph.

(B) The amendments and repeals referred to in subparagraph (A) are as follows:

(i) The proviso in the paragraph beginning under the center heading “LEGISLATIVE” and the center subheading “EDUCATION OF SENATE AND HOUSE PAGES” in title I of the Act entitled “An Act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1947, and for other purposes”, approved March 22, 1947, is amended—

(I) by striking out “congressional” and inserting in lieu thereof “Senate”; and

(II) by striking out “and the Clerk of the House of Representatives”.

(ii) House Resolution 279, Ninety-eighth Congress, agreed to July 21, 1983, as enacted into permanent law by section 103 of the Legislative Branch Appropriations Act, 1985, is repealed.

(36) Section 491 of the Legislative Reorganization Act of 1970 (2 U.S.C. 88b-1) is amended—

(A) in subsection (a)(1), by striking out “a period of not less than two months” and inserting in lieu thereof “the period specified in writing at the time of the appointment”; and

(B) in subsection (b), by striking out “; or” at the end of paragraph (2) and all that follows through the end of the subsection and inserting in lieu thereof a period.

(37) Section 2(a)(2) of House Resolution 611, Ninety-seventh Congress, agreed to November 30, 1982, as enacted into permanent law by section 127 of Public Law 97-377 (2 U.S.C. 88b-3(a)(2)), is amended by striking out “, Doorkeeper, and” and inserting in lieu thereof “and the”.

(38) House Resolution 64, Ninety-eighth Congress, agreed to February 8, 1983, as enacted into permanent law by section 110 of the Congressional Operations Appropriation Act, 1984 (2 U.S.C. 88b-5), is amended—

(A) in the first sentence of section 2, by striking out “Clerk” and inserting in lieu thereof “Chief Administrative Officer of the House of Representatives”;

(B) in the second sentence of section 2, by striking out “Clerk” and inserting in lieu thereof “Chief Administrative Officer of the House of Representatives, as determined by the Clerk of the House of Representatives,”;

(C) by striking out section 3; and

(D) by redesignating section 4 as section 3.

(39) Section 902 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 88b-6) is repealed.

(40) House Resolution 234, Ninety-eighth Congress, agreed to June 29, 1983, as enacted into permanent law by section 103 of the Legislative Branch Appropriations Act, 1985 (2 U.S.C. 88c-1 et seq.) is amended—

(A) by striking out the first section;

2 USC 88c-1.

2 USC 88c-2.

(B) in section 2, by striking out “terms of the academic year plus a” and inserting in lieu thereof “semesters of the academic year, plus a non-academic”;

2 USC 88c-3.

(C) in section 3(a)(1)(B), by striking out “term or two full terms” and inserting in lieu thereof “semester or two full semesters”;

(D) in section 3 (b)(1), by striking out “but no appointment to fill that vacancy shall be for a period of less than two months” and inserting in lieu thereof “except that no appointment may be made under this paragraph for service to begin on or after October 1 with respect to the first semester or on or after March 1 with respect to the second semester”;

(E) in section 3(b)(2), by striking out “terms” and inserting in lieu thereof “semesters or terms, as the case may be,”; and

2 USC 88c-4.

(F) in section 4(1), by striking out “terms” and inserting in lieu thereof “semesters”.

(41) The twelfth undesignated paragraph relating to contingent expenses, under the center heading “LEGISLATIVE.” and the center subheading “HOUSE OF REPRESENTATIVES.”, in the first section of the Act entitled “An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes”, approved March 3, 1901 (2 U.S.C. 89), is amended by striking out “Doorkeeper, and Postmaster” and inserting in lieu thereof “and Chief Administrative Officer”.

(42)(A) The first sentence of the first section of the Act entitled “An Act to authorize the Clerk of the House of Representatives to withhold certain amounts due employees of the House of Representatives”, approved July 2, 1958 (2 U.S.C. 89a), is amended by striking out “, or to the trust fund” and all that follows through the end of the sentence and inserting in lieu thereof the following:

“and fails to pay the indebtedness, the chairman of the committee or the elected officer of the House of Representatives that has jurisdiction over the activity under which the indebtedness arises may certify to the Chief Administrative Officer of the House of Representatives the amount of the indebtedness.”.

(B) The second and fourth sentences of such first section are each amended by striking out “Clerk” and inserting in lieu thereof “Chief Administrative Officer”.

(43) Section 2 of House Resolution 294, Eighty-eighth Congress, agreed to August 14, 1964, as continued by House Resolution 7, Eighty-ninth Congress, agreed to January 4, 1965, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1966 (2 U.S.C. 92-1), is repealed.

(44) Section 2 and section 3 of House Resolution 804, Ninety-sixth Congress, agreed to October 2, 1980, as enacted into permanent law by the bill H.R. 4120, entitled the “Legislative Branch Appropriation Act, 1982”, as reported in the House of Representatives on July 9, 1981, and enacted into permanent law by section 101(c) of Public Law 97-51 (2 U.S.C. 92b-2; 2 U.S.C. 92b-3), are each amended by striking out “House Administration” and inserting in lieu thereof “House Oversight of the House of Representatives”.

(45) The proviso in the fifth paragraph under the heading “UNDER LEGISLATIVE.” and the subheading “SENATE.” in the first section of the Act entitled “An Act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and two, and for prior years, and for other purposes”, approved February 14, 1902 (2 U.S.C. 95a), is amended by striking out “contingent expenses of the House of Representatives or” and inserting in lieu thereof “expenses of the House of Representatives or contingent expenses of”.

2 USC 68-2, 95a.

(46) The fifth undesignated paragraph relating to contingent expenses, under the center heading “LEGISLATIVE.” and the center subheading “HOUSE OF REPRESENTATIVES.”, in the first section of the Act entitled “An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes”, approved July 16, 1914 (2 U.S.C. 96), is repealed.

(47) Section 311 of the Legislative Branch Appropriations Act, 1994 (2 U.S.C. 96a) is repealed.

(48) The first paragraph after the paragraph with the side heading “OFFICE OF THE SPEAKER.” under the heading “LEGISLATIVE.” and the subheading “HOUSE OF REPRESENTATIVES.” in the first section of the Act entitled “An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-six, and for other purposes”, approved March 2, 1895 (2 U.S.C. 97) is repealed.

(49) The first undesignated paragraph under the center heading “HOUSE OF REPRESENTATIVES” in the first section of the Act entitled “An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes”, approved March 3, 1885 (2 U.S.C. 98), is repealed.

(50) The first undesignated paragraph after the paragraph with the side heading “OFFICE OF POSTMASTER.”, under the center heading “LEGISLATIVE.” and the center subheading “HOUSE OF REPRESENTATIVES.”, in the first section of the Act entitled “An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes”, approved March 3, 1891 (2 U.S.C. 99), is amended by striking out “; and hereafter” and all that follows through the end of the paragraph and inserting in lieu thereof a period.

(51) The second sentence of the fourth undesignated paragraph relating to contingent expenses, under the center heading “LEGISLATIVE.” and the center subheading “HOUSE OF REPRESENTATIVES.”, in the first section of the Act entitled “An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes”, approved March 3, 1901 (2 U.S.C. 100), is repealed.

(52) Sections 60 and 61 of the Revised Statutes of the United States (2 U.S.C. 102) are repealed.

(53) The first sentence of the undesignated paragraph under the center heading “GENERAL PROVISION” in chapter XI

of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 102a) is amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(54) Section 105(a)(1) of the Legislative Branch Appropriation Act, 1965 (2 U.S.C. 104a(1)) is amended by striking out "Clerk" each place it appears and inserting in lieu thereof "Chief Administrative Officer".

(55) Section 65 of the Revised Statutes of the United States (2 U.S.C. 106) is amended—

(A) by striking out "and Clerk of the House of Representatives"; and

(B) by striking out "and House of Representatives, respectively,".

(56) Section 68 of the Revised Statutes of the United States (2 U.S.C. 108) is amended by striking out "either the Secretary or the Clerk" and inserting in lieu thereof "the Secretary".

(57) Section 69 of the Revised Statutes of the United States (2 U.S.C. 109) is amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(58) The proviso in the last sentence of the fifth paragraph after the paragraph with the side heading "FOR CONTINGENT EXPENSES, NAMELY:" under the heading "LEGISLATIVE," and the subheading "SENATE," in the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-eight, and for other purposes", approved March 3, 1887 (2 U.S.C. 112) is amended by striking out "or the Committee on Accounts of the House of Representatives respectively".

(59)(A) The first section of the Act entitled "An Act to provide certain equipment for use in the offices of Members, officers, and committees of the House of Representatives, and for other purposes", approved December 5, 1969 (2 U.S.C. 112e), is amended—

(i) in the first sentence of subsection (a), by striking out "Clerk of the House shall furnish electrical and mechanical" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives shall furnish"; and

(ii) in subsection (b), by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(B) The first section of the Act entitled "An Act to provide certain equipment for use in the offices of Members, officers, and committees of the House of Representatives, and for other purposes", approved December 5, 1969 (2 U.S.C. 112e), as amended by subparagraph (A) is further amended—

(i) by striking out "House Administration" each place it appears and inserting in lieu thereof "House Oversight";

(ii) in subsection (c), by striking out "contingent fund" and inserting in lieu thereof "applicable accounts"; and

(iii) in subsection (d), by striking out the second sentence.

(60) Section 70 of the Revised Statutes of the United States (2 U.S.C. 113) is amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(61) Section 71 of the Revised Statutes of the United States (2 U.S.C. 114) is amended—

(A) by striking out “and the Clerk of the House of Representatives, respectively, are” and inserting in lieu thereof “is”; and

(B) by striking out “or from the journal of the House of Representatives”.

(62) The third undesignated paragraph under the center heading “MISCELLANEOUS” in the first section of the Act entitled “An Act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes”, approved August 7, 1882 (2 U.S.C. 117), is amended—

(A) by striking out “Clerk and Doorkeeper of the House of Representatives and the”; and

(B) by striking out “direction” and all that follows through “cover” and inserting in lieu thereof “direction of the Committee on Rules and Administration of the Senate and cover”.

(63)(A) Section 104(a) of the Legislative Branch Appropriations Act, 1987 (as enacted by reference in identical form by section 101(j) of Public Law 99-500 and Public Law 99-591) (2 U.S.C. 117e) is amended—

(i) in the first sentence of paragraph (1), by striking out “Clerk” and inserting in lieu thereof “Chief Administrative Officer”; and

(ii) in the first sentence of paragraph (2), by striking out “Clerk” and inserting in lieu thereof “Chief Administrative Officer”.

(B) Section 104(a) of the Legislative Branch Appropriations Act, 1987 (as enacted by reference in identical form by section 101(j) of Public Law 99-500 and Public Law 99-591) (2 U.S.C. 117e), as amended by subparagraph (A), is further amended—

(i) in paragraph (3), by striking out “House Administration” and inserting in lieu thereof “House Oversight”; and

(ii) in paragraph (4)(B), by striking out “House Administration” and inserting in lieu thereof “House Oversight”.

(64) Section 306 of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 117f), is amended—

(A) in subsection (a), by striking out “Clerk” and inserting in lieu thereof “Chief Administrative Officer”; and

(B) in subsection (b)—

(i) by striking out “Clerk” and inserting in lieu thereof “Chief Administrative Officer”;

(ii) by striking out “but not limited to Legislative Service Organizations”; and

(iii) by striking out “: *Provided, That*” and all that follows through “House” and inserting in lieu thereof “, except that no amount charged to the Members’ Representational Allowance”.

(65) The second sentence of section 2 of the Act entitled “An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1927, and for other purposes”, approved May 13, 1926 (2 U.S.C. 119), is amended by striking out “Accounts” and inserting in lieu thereof “House Oversight”.

(66)(A) The provisions of law specified in subparagraph (B), codified as section 122a of title 2, United States Code, are repealed.

(B) The provisions of law referred to in subparagraph (A) are—

(i) the nineteenth paragraph under the center heading “HOUSE OF REPRESENTATIVES” and the center subheading “CONTINGENT EXPENSES OF THE HOUSE” in title I of the Legislative Branch Appropriation Act, 1955; and

(ii) House Resolution 831, Eighty-eighth Congress, agreed to August 14, 1964, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1966.

(67) The first section and sections 2, 3, 4, 5, and 7 of House Resolution 687, Ninety-fifth Congress, agreed to September 20, 1977, as enacted into permanent law by section 111 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 122b, 122c, 122d, 122e, 122f, and 122g), are repealed.

(68) Section 105 of the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 123b) is amended—

(A) in subsections (c), (d), (f), and (h) by striking out “Clerk” each place it appears and inserting in lieu thereof “Chief Administrative Officer”; and

(B) in the first sentence of subsection (g), by striking out “within the contingent fund of the House of Representatives”.

(69) The second sentence of the second paragraph under the heading “HOUSE OF REPRESENTATIVES” and the subheading “ADMINISTRATIVE PROVISIONS” in the first section of the Legislative Branch Appropriation Act, 1963 (2 U.S.C. 124) is amended—

(A) by striking out “contingent fund of the House” and inserting in lieu thereof “applicable accounts of the House of Representatives”; and

(B) by striking out “House Administration” and inserting in lieu thereof “House Oversight”.

(70)(A) The first sentence of the last undesignated paragraph under the center heading “HOUSE OF REPRESENTATIVES” and the center subheading “CONTINGENT EXPENSES OF THE HOUSE” in the first section of the Legislative Branch Appropriation Act, 1955 (2 U.S.C. 125) is amended by striking out “Clerk of the House” and inserting in lieu thereof “Chief Administrative Officer of the House of Representatives”.

(B) The first sentence of the last undesignated paragraph under the center heading “HOUSE OF REPRESENTATIVES” and the center subheading “CONTINGENT EXPENSES OF THE HOUSE” in the first section of the Legislative Branch Appropriation Act, 1955 (2 U.S.C. 125), as amended by subparagraph (A), is further amended by striking out “contingent fund of the House” and inserting in lieu thereof “applicable accounts of the House of Representatives”.

(71) Section 3 of Public Law 89-147 (2 U.S.C. 127a) is amended—

(A) in the first sentence, by striking out “contingent fund” and inserting in lieu thereof “applicable accounts”; and

(B) in the last sentence, by striking out "House Administration" and inserting in lieu thereof "House Oversight".

(72) Subsection (b) of the first section of House Resolution 1047, Ninety-fifth Congress, agreed to April 4, 1978, as enacted into permanent law by section 111 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 130-1), is amended—

(A) in the first sentence, by striking out "contingent fund of the House" and inserting in lieu thereof "applicable accounts of the House of Representatives"; and

(B) in the second sentence, by striking out "House Administration" and inserting in lieu thereof "House Oversight".

(73) The first section of the Act entitled "An Act to preserve the benefits of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959 for congressional employees receiving certain congressional staff fellowships", approved March 30, 1966 (2 U.S.C. 130a), is amended—

(A) by striking out "That, with respect" and inserting in lieu thereof "That (a) with respect";

(B) in paragraph (1) of subsection (a), as so redesignated by subparagraph (A), by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer";

(C) by striking out "the purposes of—" and all that follows through "if the award" and inserting in lieu thereof the following: "the purposes of the provisions of law specified in subsection (b), if the award";

(D) by striking out "Clerk of the House of Representatives, as appropriate" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives, as appropriate";

(E) by striking out "Clerk of the House by records" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives by records"; and

(F) by adding at the end the following new subsection:

"(b) The provisions of law referred to in subsection (a) are—

"(1) subchapter III (relating to civil service retirement) of chapter 83 of title 5, United States Code;

"(2) chapter 87 (relating to Federal employees group life insurance) of title 5, United States Code; and

"(3) chapter 89 (relating to Federal employees group health insurance) of title 5, United States Code."

(74) Section 6(a)(1) of the Act entitled "An Act to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia", approved December 19, 1970 (2 U.S.C. 130b(a)(1)), is amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(75) Section 6(f) of the Act entitled "An Act to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia", approved December 19, 1970 (2 U.S.C. 130b(f)), is amended by striking out "House Administration" and inserting in lieu thereof "House Oversight".

(76) Subsection (a) and subsection (b) of section 3 of the Act entitled "An Act to authorize the waiver of claims of the United States arising out of erroneous payments of pay and allowances to certain officers and employees of the legislative branch", approved July 25, 1974 (2 U.S.C. 130d(a) and (b)), are each amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

**SEC. 205. PROVISIONS RELATING TO LIBRARY OF CONGRESS.**

The provisions of law relating to the Library of Congress, as codified in chapter 5 of title 2, United States Code, are amended as follows: section 223 of the Legislative Reorganization Act of 1946 (2 U.S.C. 132b) is amended by striking out "House Administration" and inserting in lieu thereof "House Oversight".

**SEC. 206. PROVISIONS RELATING TO CONGRESSIONAL AND COMMITTEE PROCEDURE; INVESTIGATIONS.**

The provisions of law relating to congressional and committee procedure; investigations, as codified in chapter 6 of title 2, United States Code, are amended as follows:

(1) Section 136(c) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190d(c)) is amended by striking out "House Administration" and inserting in lieu thereof "House Oversight".

(2) The fourth sentence of section 2 of the Act entitled "An Act to provide for taking testimony, to be used before Congress, in cases of private claims against the United States", approved February 3, 1879 (2 U.S.C. 190m) is amended by striking out "contingent fund of the branch of Congress appointing such committee." and inserting in lieu thereof the following: "contingent fund of the Senate, in the case of a committee of the Senate, or the applicable accounts of the House of Representatives, in the case of a committee of the House of Representatives."

**SEC. 207. PROVISIONS RELATING TO OFFICE OF LAW REVISION COUNSEL.**

The provisions of law relating to the Office of the Law Revision Counsel, as codified in chapter 9A of title 2, United States Code, are amended as follows: section 205(h) of House Resolution 988, Ninety-third Congress, agreed to October 8, 1974, as enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 285g), is amended by striking out "contingent fund of the House" and inserting in lieu thereof "applicable accounts of the House of Representatives".

**SEC. 208. PROVISIONS RELATING TO LEGISLATIVE CLASSIFICATION OFFICE.**

The provisions of law relating to the Legislative Classification Office, as codified in chapter 9B of title 2, United States Code, are amended as follows: section 203 of House Resolution 988, Ninety-third Congress, agreed to October 8, 1974, as enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 286 et seq.), is repealed.

**SEC. 209. PROVISIONS RELATING TO CLASSIFICATION OF EMPLOYEES OF HOUSE OF REPRESENTATIVES.**

The provisions of law relating to classification of employees of the House of Representatives, as codified in chapter 10 of title 2, United States Code, are amended as follows:

(1) Section 4(a)(1) of the House Employees Position Classification Act (2 U.S.C. 293(a)(1)) is amended by striking out "House Administration" and inserting in lieu thereof "House Oversight".

(2) Section 5(b)(1)(C) of the House Employees Position Classification Act (2 U.S.C. 294(b)(1)(C)) is amended by striking out "Doorkeeper" and inserting in lieu thereof "Chief Administrative Officer".

(3) The second sentence of section 11 of the House Employees Position Classification Act (2 U.S.C. 300) is amended by striking out "contingent fund" and inserting in lieu thereof "applicable accounts".

**SEC. 210. PROVISIONS RELATING TO PAYROLL ADMINISTRATION IN HOUSE OF REPRESENTATIVES.**

The provisions of law relating to payroll administration in the House of Representatives, as codified in chapter 10A of title 2, United States Code, are amended as follows:

(1) Section 471 of the Legislative Reorganization Act of 1970 (2 U.S.C. 331) is amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(2)(A) Section 472 of the Legislative Reorganization Act of 1970 (2 U.S.C. 332) is repealed.

(B) The table of contents of the Legislative Reorganization Act of 1970 is amended, in the matter relating to part 7 of title IV (84 Stat. 1142), by striking out the item relating to section 472.

(3)(A) Section 474 of the Legislative Reorganization Act of 1970 (2 U.S.C. 334) is repealed.

(B) The table of contents of the Legislative Reorganization Act of 1970 is amended, in the matter relating to part 7 of title IV (84 Stat. 1142), by striking out the item relating to section 474.

(4) Section 475(1) of the Legislative Reorganization Act of 1970 (2 U.S.C. 335(1)) is amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(5) Section 476 of the Legislative Reorganization Act of 1970 (2 U.S.C. 336) is amended by striking out "Clerk" each place it appears and inserting in lieu thereof "Chief Administrative Officer".

**SEC. 211. PROVISIONS RELATING TO CONTESTED ELECTIONS.**

The provisions of law relating to contested elections, as codified in chapter 12 of title 2, United States Code, are amended as follows:

(1) Section 2 of the Federal Contested Elections Act (2 U.S.C. 381) is amended—

(A) by redesignating subdivisions (a) through (i) as paragraphs (1) through (9), respectively;

(B) in the matter before paragraph (1), as so redesignated by subparagraph (A), by striking out "Act—" and inserting in lieu thereof "Act.";

(C) by indenting paragraphs (1) through (9), as so redesignated by subparagraph (A), two ems; and

(D) in paragraph (2), as so redesignated by subparagraph (A)—

(i) by striking out “(1) whose” and inserting in lieu thereof “(A) whose”; and

(ii) by striking out “or (2)” and inserting in lieu thereof “or (B)”.

(2) Section 2 of the Federal Contested Elections Act (2 U.S.C. 381), as amended by paragraph (1), is further amended—

(A) in paragraph (1), by striking out “or Resident Commissioner” and all that follows through “but” and inserting in lieu thereof “, or Delegate or Resident Commissioner to, the Congress, but that term”;

(B) in paragraph (2), as amended by paragraph (1) of this section—

(i) by striking out “House of Representatives of the United States” in subparagraph (A) and inserting in lieu thereof “office of Representative in, or Delegate or Resident Commissioner to, the Congress”; and

(ii) by striking out “House of Representatives” in subparagraph (B) and inserting in lieu thereof “office of Representative in, or Delegate or Resident Commissioner to, the Congress”;

(C) in paragraph (3), by striking out “of the United States”;

(D) in paragraph (4), by striking out “of the United States”;

(E) in paragraph (5), by striking out “term” and all that follows through “offices” and inserting in lieu thereof “term ‘Member of the House of Representatives’ means an incumbent Representative in, or Delegate or Resident Commissioner to, the Congress, or an individual who has been elected to such office”;

(F) in paragraph (6), by striking out “of the United States”;

(G) in paragraph (7), by striking out “House Administration of the House of Representatives of the United States” and inserting in lieu thereof “House Oversight of the House of Representatives”; and

(H) in paragraph (8), by striking out “includes territory and” and inserting in lieu thereof “means a State of the United States and any territory or”.

(3) Section 3 of the Federal Contested Elections Act (2 U.S.C. 382) is amended—

(A) in subsection (a), by striking out “to the House of Representatives”; and

(B) in subsection (c)—

(i) by striking out “or” after the semicolon at the end of paragraph (4); and

(ii) by inserting “or” after the semicolon at the end of paragraph (5).

(4) Section 17 of the Federal Contested Elections Act (2 U.S.C. 396) is amended by striking out “contingent fund” and inserting in lieu thereof “applicable accounts”.

**SEC. 212. PROVISIONS RELATING TO JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS.**

The provisions of law relating to the Joint Committee on Government Operations, as codified in chapter 13 of title 2, United States Code, are amended as follows:

(1)(A) Part 1 of title IV of the Legislative Reorganization Act of 1970 (2 U.S.C. 411-417) is repealed.

(B) The table of contents of the Legislative Reorganization Act of 1970 is amended, in the matter relating to title IV (84 Stat. 1141), by striking out the matter relating to part 1.

(2) Section 206 of House Resolution 988, Ninety-third Congress, agreed to October 8, 1974, as enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 412a), is repealed.

**SEC. 213. PROVISIONS RELATING TO CONGRESSIONAL BUDGET OFFICE.**

The provisions of law relating to the Congressional Budget Office, as codified in chapter 17 of title 2, United States Code, are amended as follows: section 202(g) of the Congressional Budget Act of 1974 (2 U.S.C. 602(g)) is amended by striking out "House Administration" and inserting in lieu thereof "House Oversight".

**SEC. 214. PROVISIONS RELATING TO THE STATES.**

The provisions of law relating to the States, as codified under chapter 4 of title 4, United States Code, are amended as follows: section 307(b)(1) of the Legislative Branch Appropriations Act, 1988 (4 U.S.C. 105 note) by striking out "House Administration" and inserting in lieu thereof "House Oversight".

**SEC. 215. PROVISIONS RELATING TO GOVERNMENT ORGANIZATION AND EMPLOYEES.**

The provisions of law relating to Government organization and employees, enacted as title 5, United States Code, are amended as follows:

(1) Section 2107(5) of title 5, United States Code, is amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(2) Section 3304(c)(1) of title 5, United States Code, is amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(3) Section 5306(a)(1)(A) of title 5, United States Code, is amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(4) Section 5334(c) of title 5, United States Code, is amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(5) Section 5515 of title 5, United States Code, is amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(6) Section 5531(5) of title 5, United States Code, is amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(7) Subsections (c)(1), (c)(2), and (d)(5)(A) of section 5533 of title 5, United States Code, are each amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(8) Section 5537(a) of title 5, United States Code, is amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(9) Section 5751 of title 5, United States Code, is amended by striking out "Clerk" both places it appears and inserting in lieu thereof "Chief Administrative Officer".

(10) Section 6322 of title 5, United States Code, is amended by striking out "Clerk" both places it appears and inserting in lieu thereof "Chief Administrative Officer".

(11) Section 8332(b) of title 5, United States Code, is amended in the fourth sentence in the matter following paragraph (16) by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(12)(A) The third sentence of section 8334(a)(1) of title 5, United States Code, is amended by striking out "Clerk of the House of Representatives, the Clerk may pay from the contingent fund of the House" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives, the Chief Administrative Officer may pay from the applicable accounts of the House of Representatives".

(B) Paragraph (1)(A) and paragraph (3) of section 8334(j) of title 5, United States Code, are each amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(13) Section 8402(c)(5) of title 5, United States Code, is amended—

(A) in the matter before subparagraph (A), by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer"; and

(B) in subparagraph (B), by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(14) Paragraph (1)(A) and paragraph (3) of section 8422(e) of title 5, United States Code, are each amended by striking out "Clerk" and inserting in lieu thereof "Chief Administrative Officer".

(15) Section 8423(a)(3)(C) of title 5, United States Code, is amended by striking out "Clerk of the House of Representatives, from the contingent fund of the House" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives, from the applicable accounts of the House of Representatives".

(16) The second sentence of section 8432(e) of title 5, United States Code, is amended by striking out "Clerk of the House of Representatives, the Clerk may pay from the contingent fund" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives, the Chief Administrative Officer may pay from the applicable accounts".

(17) The second sentence of section 8432a(c) of title 5, United States Code, is amended by striking out "Clerk of the House of Representatives, the Clerk may pay from the contingent fund" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives, the Chief Administrative Officer may pay from the applicable accounts".

(18) Subsection (b) of section 8708 of title 5, United States Code, is amended by striking out "Clerk" the first place it appears and all that follows through the end of the subsection and inserting in lieu thereof the following: "Chief Administra-

tive Officer of the House of Representatives, the Chief Administrative Officer may contribute the sum required by subsection (a) of this section from the applicable accounts of the House of Representatives.”

(19) Section 8906(f)(3) of title 5, United States Code, is amended by striking out “Clerk of the House of Representatives, from the contingent fund of the House” and inserting in lieu thereof “Chief Administrative Officer of the House of Representatives, from the applicable accounts of the House of Representatives”.

#### SEC. 216. PROVISIONS CODIFIED IN APPENDICES TO TITLE 5, UNITED STATES CODE.

The provisions of law codified in appendices to title 5, United States Code, are amended as follows:

(1) Section 103(h)(1)(A)(i)(I) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(h)(1)(A)(i)(I)) is amended by striking out “Clerk” the second place it appears and inserting in lieu thereof “Chief Administrative Officer”.

(2) Section 109(13)(A) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(13)(A)) is amended by striking out “Clerk” and inserting in lieu thereof “Chief Administrative Officer”.

5 USC app. 109.

#### SEC. 217. PROVISIONS RELATING TO COMMERCE AND TRADE.

The provisions of law relating to commerce and trade, as codified in title 15, United States Code, are amended as follows: the Joint Resolution entitled “Joint resolution to print the monthly publication entitled ‘Economic Indicators’”, approved June 23, 1949 (15 U.S.C. 1025), is amended by striking out “Doorkeeper” and inserting in lieu thereof “Chief Administrative Officer”.

#### SEC. 218. PROVISIONS RELATING TO FOREIGN RELATIONS AND INTERCOURSE.

The provisions of law relating to foreign relations and intercourse, as codified in title 22, United States Code, are amended as follows:

(1) The last sentence of section 105(b) of the Legislative Branch Appropriation Act, 1961 (22 U.S.C. 276c-1) is amended by striking out “Committee on House Administration” and inserting in lieu thereof “Clerk”.

(2) The first sentence of subsection (b)(2) and the first sentence of subsection (b)(3)(A) of section 502 of the Mutual Security Act of 1954 (22 U.S.C. 1754) are each amended by striking out “Clerk” the second place it appears and inserting in lieu thereof “Chief Administrative Officer”.

(3) Section 8(d)(2) of the Act entitled “An Act to establish a Commission on Security and Cooperation in Europe”, approved June 3, 1976 (22 U.S.C. 3008(d)(2)), is amended by striking out “Clerk” and inserting in lieu thereof “Chief Administrative Officer”.

#### SEC. 219. PROVISIONS RELATING TO MONEY AND FINANCE.

(a) USE OF VEHICLES AMENDMENT.—Section 802(d) of the Ethics Reform Act of 1989 (31 U.S.C. 1344 note) is amended by striking out “House Administration” and inserting in lieu thereof “House Oversight”.

(b) TITLE 31, UNITED STATES CODE, AMENDMENTS.—The provisions of law relating to money and finance, enacted as title 31, United States Code, are amended as follows:

(1) Section 1551(c)(2) of title 31, United States Code, is amended by striking out “Clerk” and inserting in lieu thereof “Chief Administrative Officer”.

(2) Section 6102a(c) of title 31, United States Code, is amended by striking out “House Administration” and inserting in lieu thereof “House Oversight”.

(3) Section 6203(a)(3) of title 31, United States Code, is amended by striking out “House Administration” and inserting in lieu thereof “House Oversight”.

#### SEC. 220. PROVISIONS RELATING TO POSTAL SERVICE.

The provisions of law relating to the Postal Service, enacted as title 39, United States Code, are amended as follows:

(1) Paragraphs (1) and (2) of subsection (e), section 3216, title 39, United States Code, are each amended by striking out “Clerk of the House” and inserting in lieu thereof “Chief Administrative Officer of the House of Representatives”.

(2) Section 3216(e)(2) of title 39, United States Code, is amended by striking out “House Administration” each place it appears and inserting in lieu thereof “House Oversight”.

#### SEC. 221. PROVISIONS RELATING TO PUBLIC BUILDINGS, PROPERTY, AND WORKS.

The provisions of law relating to public buildings, property, and works, as codified in title 40, United States Code, are amended as follows:

(1) The first section of House Resolution 291, Eighty-eighth Congress, agreed to June 18, 1963, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1965 (40 U.S.C. 166b-4), is amended—

(A) in the first sentence, by striking out “contingent fund” and inserting in lieu thereof “applicable accounts”; and

(B) by striking out “House Administration” each place it appears and inserting in lieu thereof “House Oversight”.

(2) Section 1816 of the Revised Statutes of the United States (40 U.S.C. 170) is amended by striking out “Accounts of the House of Representatives, for the House” and inserting in lieu thereof “House Oversight of the House of Representatives, for the House of Representatives”.

(3)(A) Subsections (a), (b), and (c) of section 2 of House Resolution 317, Ninety-second Congress, agreed to March 25, 1971, as enacted into permanent law by the paragraph under the heading “HOUSE OF REPRESENTATIVES” and the subheadings “CONTINGENT EXPENSES OF THE HOUSE” and “MISCELLANEOUS ITEMS” in the first section of the Legislative Branch Appropriation Act, 1972 (40 U.S.C. 174k (a), (b), and (c)), are each amended by striking out “House Administration” each place it appears and inserting in lieu thereof “House Oversight”.

(B) Section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (40 U.S.C. 174k note) is repealed.

(4)(A) The proviso in the paragraph under the heading “ARCHITECT OF THE CAPITOL” and the subheading “HOUSE OFFICE BUILDINGS” in the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 175 note), is amended by striking out

“House Administration” and inserting in lieu thereof “House Oversight”.

(B) The first section of House Resolution 208, Ninety-fourth Congress, agreed to February 24, 1975, as enacted into permanent law by section 201 of the Legislative Branch Appropriation Act, 1976 (40 U.S.C. 175 note), is amended—

(i) by striking out “House Administration” and inserting in lieu thereof “House Oversight of the House of Representatives”; and

(ii) by striking out “contingent fund” and inserting in lieu thereof “applicable accounts”.

(5)(A) Section 312 of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g) is amended by striking out “Clerk” each place it appears and inserting in lieu thereof “Chief Administrative Officer”.

(B) Section 312(a)(1)(A) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(a)(1)(A)) is amended by striking out “or the Sergeant at Arms of the House of Representatives”.

(C) Section 312(d)(2) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(2)) is amended by striking out “with” and inserting in lieu thereof “With”.

(6) Section 312 of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g) is amended—

(A) in subsection (b)(1)(A), by striking out “Minority Leader” and inserting in lieu thereof “minority leader”;

(B) in subsection (c), by striking out “House Administration” and inserting in lieu thereof “House Oversight”; and

(C) in subsection (d)(1), by striking out “in the contingent fund of the House of Representatives”.

(7) Section 801(b)(3) of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188a(b)(3)) is amended by striking out “House Administration” and inserting in lieu thereof “House Oversight”.

(8) The second sentence of section 1001(a) of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188c(a)) is amended by striking out “House Administration” and inserting in lieu thereof “House Oversight”.

(9)(A) Section 2(a) of House Resolution 661, Ninety-fifth Congress, agreed to July 29, 1977, as enacted into permanent law by section 111 of the Legislative Branch Appropriation Act, 1979 (40 U.S.C. 206 note), is amended by striking out “House Administration” and inserting in lieu thereof “House Oversight”.

(B) House Resolution 199, One Hundred Second Congress, agreed to August 1, 1991, as enacted into permanent law by section 102 of the Legislative Branch Appropriations Act, 1993 (40 U.S.C. 206 note), is amended by striking out “House Administration” each place it appears and inserting in lieu thereof “House Oversight”.

(C) House Resolution 420, One Hundred First Congress, agreed to June 26, 1990, as enacted into permanent law by section 105 of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 206 note), is amended—

(i) in section 2(1), by striking out “House Administration” and inserting in lieu thereof “House Oversight”; and

(ii) in section 3(2), by striking out “from the contingent fund of the House of Representatives or”.

(10) Section 3(a)(1) of House Resolution 449, Ninety-second Congress, agreed to June 2, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (40 U.S.C. 206b(a)(1)), is amended by striking out “Clerk” and inserting in lieu thereof “Chief Administrative Officer”.

(11)(A) Section 3(d) of House Resolution 449, Ninety-second Congress, agreed to June 2, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (40 U.S.C. 206b(d)), is amended by striking out “House Administration” and inserting in lieu thereof “House Oversight”.

(B)(i) The provisions of law specified in clause (ii) (40 U.S.C. 206b(g); 40 U.S.C. 206b note) are amended as provided in such clause.

(ii) House Resolution 449, Ninety-second Congress, agreed to June 2, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972, is amended by striking out section 5. House Resolution 1309, Ninety-third Congress, agreed to October 10, 1974, as enacted into permanent law by chapter III of the Supplemental Appropriations Act, 1975, is amended by striking out section 3.

(12) Section 9C of the Act entitled “An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes”, approved July 31, 1946 (40 U.S.C. 207a) is amended by striking out “House Administration” and inserting in lieu thereof “House Oversight”.

(13) Section 9B(a) of the Act entitled “An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes”, approved July 31, 1946 (40 U.S.C. 212a-3(a)) is amended by striking out “House Administration” and inserting in lieu thereof “House Oversight”.

(14) Subsection (b)(1) and subsection (c) of section 3 of Public Law 98-392 (40 U.S.C. 214b (b)(1) and (c)) are each amended by striking out “House Administration” and inserting in lieu thereof “House Oversight”.

(15) Section 151(a) of Public Law 99-500 (100 Stat. 1783-352), enacted in identical form as section 151(a) of Public Law 99-591 (100 Stat. 3341-355), (40 U.S.C. 756b) is amended by striking out “Clerk” and inserting in lieu thereof “Chief Administrative Officer”.

(16) The second sentence of section 301 of the National Visitor Center Facilities Act of 1968 (40 U.S.C. 831) is amended by striking out “House Committee on House Administration” and inserting in lieu thereof “Committee on House Oversight of the House of Representatives”.

(17) Section 441 of the Legislative Reorganization Act of 1970 (40 U.S.C. 851) is amended—

(A) in subsection (c)(1), subsection (c)(4), and subsection (h), by striking out “House Administration” and inserting in lieu thereof “House Oversight”; and

(B) by striking out subsection (j).

(18) Section 3(d) of Public Law 99-652 (40 U.S.C. 1003(b)) is amended by striking out “House Administration” and inserting in lieu thereof “House Oversight”.

**SEC. 222. PROVISIONS RELATING TO THE PUBLIC HEALTH AND WELFARE.**

The provisions of law relating to the public health and welfare, as codified in title 42, United States Code, are amended as follows:

(1) Section 303d. of the Atomic Energy Act of 1954 (42 U.S.C. 2259(d)) is amended by striking out "House Administration" and inserting in lieu thereof "House Oversight".

(2) Section 6004(a)(4) of the Solid Waste Disposal Act (42 U.S.C. 6964) is amended by striking out "House Administration" and inserting in lieu thereof "House Oversight".

**SEC. 223. PROVISIONS RELATING TO PUBLIC PRINTING AND DOCUMENTS.**

The provisions of law relating to public printing and documents, enacted as title 44, United States Code, are amended as follows:

(1) Section 101 of title 44, United States Code, is amended by striking out "House Administration" and inserting in lieu thereof "House Oversight".

(2) The third sentence of section 703 of title 44, United States Code, is amended by striking out "House Administration" and inserting in lieu thereof "House Oversight".

(3) Section 730 of title 44, United States Code, is amended by striking out ", Sergeant at Arms, and Doorkeeper" and inserting in lieu thereof "and Sergeant at Arms".

(4)(A) Section 735 of title 44, United States Code, is amended—

(i) in the section heading, by striking out "**Members of Congress**" and inserting in lieu thereof "**Senators**";

(ii) by striking out "Member of Congress" and inserting in lieu thereof "Senator"; and

(iii) by striking out "and Clerk of the House of Representatives, respectively".

(B) The table of sections for chapter 7 of title 44, United States Code, is amended by striking out the item relating to section 735 and inserting in lieu thereof the following new item:

"735. Binding for Senators."

(5) The second sentence of section 739 of title 44, United States Code, is amended by striking out "Doorkeeper" and inserting in lieu thereof "Clerk".

(6) The first sentence of section 740 of title 44, United States Code, is amended by striking out "Doorkeeper of the House" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives".

(7)(A) The first undesignated paragraph of section 906 of title 44, United States Code, is amended—

(i) in the fifth undesignated subdivision of the matter relating to furnishing of the bound edition of the Congressional Record, by striking out ", Sergeant at Arms, and Doorkeeper" and inserting in lieu thereof "and the Sergeant at Arms";

(ii) in the seventh undesignated subdivision of the matter relating to furnishing of the daily edition of the Congressional Record, by striking out ", Sergeant at Arms, and Doorkeeper" and inserting in lieu thereof "and the Sergeant at Arms"; and

(iii) in the eighth undesignated subdivision of the matter relating to furnishing of the daily edition of the Congressional Record, by striking out "Doorkeeper" and inserting in lieu thereof "Clerk".

(B) The third undesignated paragraph of section 906 of title 44, United States Code, is amended—

(i) in the fourth undesignated subdivision of the matter relating to furnishing of the Congressional Record in unstitched form, by striking out ", Sergeant at Arms, and Doorkeeper" and inserting in lieu thereof "and the Sergeant at Arms"; and

(ii) in the twelfth undesignated subdivision of the matter relating to furnishing of the Congressional Record in unstitched form—

(I) by striking out "to the Secretaries" and inserting in lieu thereof "and to the Secretaries"; and

(II) by striking out ", and to the Doorkeeper of the House of Representatives".

(8) Section 908 of title 44, United States Code, is amended by striking out "Sergeant at Arms of the House" and inserting in lieu thereof "Chief Administrative Officer of the House of Representatives".

(9) Section 2203(e) of title 44, United States Code, is amended by striking out "House Administration" and inserting in lieu thereof "House Oversight".

(10) Section 3303a(c) of title 44, United States Code, is amended by striking out "House Administration" and inserting in lieu thereof "House Oversight".

#### **SEC. 224. PROVISIONS RELATING TO TERRITORIES AND INSULAR POSSESSIONS.**

The provisions of law relating to territories and insular possessions, as codified in title 48, United States Code, are amended as follows:

(1) The last undesignated paragraph after the center heading "MINTS AND ASSAY OFFICES." and the center subheading "GOVERNMENT IN THE TERRITORIES" in the first section of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and seven, and for other purposes", approved June 22, 1906 (48 U.S.C. 894), is amended by striking out "Sergeant-at-Arms" and inserting in lieu thereof "Chief Administrative Officer".

(2) Section 35 of the Organic Act of Guam (48 U.S.C. 1421k-1) is repealed.

(3) Section 15 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1596) is repealed.

(4) The last two provisos of section 5 of Public Law 92-271 (48 U.S.C. 1715 note) are repealed.

#### **SEC. 225. MISCELLANEOUS UNCODIFIED PROVISIONS RELATING TO HOUSE OF REPRESENTATIVES.**

The following miscellaneous uncoded provisions relating to the House of Representatives are amended as follows:

(1) The next to the last undesignated paragraph under the center heading "HOUSE OF REPRESENTATIVES" and the center subheadings "ADMINISTRATIVE PROVISIONS" and "HOUSE BEAUTY SHOP" in the first section of the Legislative

Branch Appropriation Act, 1970 (83 Stat. 347) is amended by striking out the last two sentences.

(2) The last undesignated paragraph under the center heading "HOUSE OF REPRESENTATIVES" and the center subheadings "ADMINISTRATIVE PROVISIONS" and "HOUSE BEAUTY SHOP" in the first section of the Legislative Branch Appropriation Act, 1970 (83 Stat. 347) is repealed.

Approved August 20, 1996.

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**LEGISLATIVE HISTORY—H.R. 2739:**

HOUSE REPORTS: No. 104-482 (Comm. on House Oversight).

CONGRESSIONAL RECORD, Vol. 142 (1996):

Mar. 19, considered and passed House.

June 28, considered and passed Senate, amended.

Aug. 2, House concurred in Senate amendment.

Public Law 104-187  
104th Congress

An Act

Aug. 20, 1996  
[H.R. 3139]

To redesignate the United States Post Office building located at 245 Centereach Mall on Middle Country Road in Centereach, New York, as the "Rose Y. Caracappa United States Post Office Building".

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REDESIGNATION.**

The United States Post Office building located at 245 Centereach Mall on Middle Country Road in Centereach, New York, shall be known and designated as the "Rose Y. Caracappa United States Post Office Building".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the "Rose Y. Caracappa United States Post Office Building".

Approved August 20, 1996.

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**LEGISLATIVE HISTORY—H.R. 3139:**

CONGRESSIONAL RECORD, Vol. 142 (1996):  
July 30, considered and passed House.  
Aug. 2, considered and passed Senate.

## POPULAR NAME INDEX

A1

A	Page	Page
<b>Abandoned Infants Assistance Act of 1988, amendments</b> .....	3091, 3092	
<b>Accountable Pipeline Safety and Partnership Act of 1996</b> .....	3793	
<b>Act to Prevent Pollution from Ships, amendments</b> ....	2480, 2481, 3042, 3043, 3943	
<b>Administrative Dispute Resolution Act, amendments</b> .....	676, 3871, 3872	
<b>Administrative Dispute Resolution Act of 1996</b> .....	3870	
<b>Advisory Council on California Indian Policy Act of 1992, amendments</b> .....	766	
<b>Age Discrimination in Employment Act of 1967, amendments</b> .....	3009-23	
<b>Age Discrimination in Employment Amendments of 1986</b> .....	3009-23	
<b>Age Discrimination in Employment Amendments of 1996</b> .....	3009-23	
<b>Agricultural Act of 1949, amendments</b> .....	915, 937, 938, 974, 1928	
<b>Agricultural Act of 1954, amendments</b> .....	976	
<b>Agricultural Act of 1956, amendments</b> .....	976, 3528	
<b>Agricultural Act of 1970, amendments</b> .....	1006	
<b>Agricultural Act of 1980, amendments</b> .....	959	
<b>Agricultural Adjustment Act of 1938, amendments</b> ...	927-929, 937, 1006	
<b>Agricultural Aid and Trade Missions Act, amendments</b> .....	976	
<b>Agricultural and Food Act of 1981, amendments</b> .....	1016, 1029	
<b>Agricultural Credit Act of 1978, amendments</b> .....	1016	
<b>Agricultural Market Transition Act</b> .....	896	
<b>Agricultural Trade Act of 1978, amendments</b> .....	963-972, 979	
<b>Agricultural Trade Development and Assistance Act of 1954, amendments</b> .....	951-959, 979	
<b>Agricultural Trade Suspension Adjustment Act of 1980, amendments</b> .....	962	
<b>Agriculture and Consumer Protection Act of 1973, amendments</b> .....	1028, 2170	
<b>Agriculture and Food Act of 1981, amendments</b> .....	962, 974, 1007, 1016, 1029	
<b>Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1992, amendments</b> .....	1007	
<b>Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996, amendments</b> .....	995	
<b>Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1997</b> .....	1569	
<b>Air Traffic Management System Performance Improvement Act of 1996</b> .....	3227	
<b>Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992, amendments</b> .....	3400	
<b>Airport Revenue Protection Act of 1996</b> .....	3269	
<b>Alaska National Interest Lands Conservation Act, amendments</b> .....	1451, 4118, 4119	
<b>Aleutian World War II National Historic Areas Act of 1996</b> .....	4165	
<b>Amber Hagerman Child Protection Act of 1996</b> .....	3009-31	
<b>American Battlefield Protection Act of 1996</b> .....	4173	
<b>American Folklife Preservation Act, amendments</b> .....	2410	
<b>American Indian Trust Fund Management Reform Act of 1994, amendments</b> .....	764	
<b>Americans with Disabilities Act of 1990, amendments</b> .....	3400	
<b>Amtrak Reorganization Act of 1979, amendments</b> .....	3400	
<b>Anadromous Fish Conservation Act, amendments</b> .....	3619	
<b>Andean Trade Preference Act, amendments</b> .....	1927	
<b>Animal Drug Availability Act of 1996</b> .....	3151	
<b>Antarctic Conservation Act of 1978, amendments</b> .....	3034-3042	
<b>Antarctic Protection Act of 1990, amendments</b> .....	3044	
<b>Antarctic Science, Tourism, and Conservation Act of 1996</b> .....	3034	
<b>Anti-Car Theft Improvements Act of 1996</b> .....	1384	
<b>Anti-Drug Abuse Act of 1986, amendments</b> .....	509, 2661, 3832	
<b>Anti-Drug Abuse Act of 1988, amendments</b> .....	509, 1471, 2661	
<b>Anti-Kickback Act of 1986, amendments</b> .....	675	
<b>Anticounterfeiting Consumer Protection Act of 1996</b> .....	1386	
<b>Antiterrorism and Effective Death Penalty Act of 1996</b> .....	1214	

NOTE: Part 1 contains pages 1-1198; Part 2 contains pages 1199-1754; Part 3 contains pages 1755-2870; Part 4 contains pages 2871-3098; Part 5 contains pages 3099-3846; Part 6 contains pages 3847-4576. Each part contains entire Popular Name and Subject Indexes.

	Page		Page
<b>Antiterrorism and Effective Death Penalty Act of 1996,</b> amendments.....	3009-21, 3009-612, 3009-619, 3009-625, 3009-627, 3009-722, 3009-723, 3502, 3510	<b>Bank Holding Company Act Amendments of 1970,</b> amendments.....	3009-413
<b>Appalachian Regional Development Act of 1965,</b> amendments.....	3009-312	<b>Bank Holding Company Act of 1956,</b> amendments .....	3009-404, 3009-406, 3009-408, 3009-413, 3009-425, 3009-475, 3009-476, 3009-495
<b>Archaeological Resources Protection Act of 1979,</b> amendments.....	4196	<b>Bank Service Company Act .....</b>	3009-476
<b>Arizona-Idaho Conservation Act of 1988,</b> amendments .....	1749, 4106	<b>Bank Service Corporation Act,</b> amendments .....	3009-476-3009-478
<b>Armament Retooling and Manufacturing Support Act of 1992,</b> amendments .....	2449	<b>Bankhead-Jones Farm Tenant Act,</b> amendments .....	1151
<b>Armed Forces Retirement Home Act of 1991,</b> amendments ....	2648-2650, 3843	<b>Bankruptcy Amendments and Federal Judgeship Act of 1984,</b> amendments .....	3852
<b>Arms Export Control Act,</b> amendments .....	206, 445, 494, 658, 729, 731, 1258, 1421, 2644, 2787, 3009-149	<b>Bankruptcy Judgeship Act of 1992,</b> amendments .....	3852
<b>Army National Guard Combat Readiness Reform Act of 1992,</b> amendments.....	307, 308, 372	<b>Base Closure Community Redevelopment and Homeless Assistance Act of 1994,</b> amendments .....	515
<b>Asset Conservation Lender Liability and Deposit Insurance Protection Act of 1996 .....</b>	3009-462	<b>Bill Emerson Good Samaritan Food Donation Act.....</b>	3011
<b>Atlantic Coastal Fisheries Cooperative Management Act,</b> amendments.....	3619, 3620	<b>Bisti/De-Na-Zin Wilderness Expansion and Fossil Forest Protection Act .....</b>	4211
<b>Atomic Energy Act of 1954,</b> amendments.....	515, 1321-349, 1751	<b>Board of Education Real Property Disposal Act of 1990,</b> amendments.....	3009-509
<b>Atomic Energy Community Act of 1955,</b> amendments .....	627	<b>Boston National Historic Park Act of 1974,</b> amendments.....	4155
<b>Atomic Weapons and Special Nuclear Materials Rewards Act,</b> amendments .....	3009-622	<b>Brady Handgun Violence Prevention Act,</b> amendments .....	3504
<b>Auburn Indian Restoration Act,</b> amendments .....	764, 876	<b>Brownsville Wetlands Policy Act of 1994,</b> amendments .....	3832
<b>Aviation Disaster Family Assistance Act of 1996 .....</b>	3264	<b>Bus Regulatory Reform Act of 1982,</b> amendments .....	3400
<b>B</b>		<b>C</b>	
<b>Balanced Budget Act of 1995,</b> amendments.....	47	<b>Cache La Poudre River Corridor Act .....</b>	3889
<b>Balanced Budget and Emergency Deficit Control Act of 1985,</b> amendments .....	848, 2175, 2191, 3009-169, 3009-489, 3828	<b>California Bay-Delta Environmental Enhancement and Water Security Act.....</b>	3009-748
<b>Balanced Budget Downpayment Act, I .....</b>	26	<b>Canola and Rapeseed Research, Promotion, and Consumer Information Act .....</b>	1048
<b>Balanced Budget Downpayment Act, I,</b> amendments .....	826, 829, 876, 1213, 1321-248, 1321-291, 1321-293, 2892-2894	<b>Capital Markets Efficiency Act of 1996 .....</b>	3417
<b>Ballistic Missile Defense Act of 1995 .....</b>	228	<b>Carbon Hill National Fish Hatchery Conveyance Act.....</b>	3016
<b>Bank for Economic Cooperation and Development in the Middle East and North Africa Act...</b>	3009-179	<b>Caribbean Basin Economic Recovery Act,</b> amendments.....	1927, 3530
		<b>Carjacking Correction Act of 1996 .....</b>	3020
		<b>Carl D. Perkins Vocational and Applied Technology Education Act,</b> amendments .....	2172
		<b>Cash Management Improvement Act of 1990,</b> amendments .....	3835

## POPULAR NAME INDEX

A3

	Page		Page
<b>Central Intelligence Agency Act of 1949, amendments</b> .....	702, 709, 3009-622, 3483	<b>Coastal Zone Protection Act of 1996</b> .....	1380
<b>Central Intelligence Agency Voluntary Separation Pay Act, amendments</b> .....	3467	<b>Colorado River Basin Salinity Control Act, amendments</b> .....	1006
<b>Central Utah Project Completion Act, amendments</b> .....	3387	<b>Combatting Proliferation of Weapons of Mass Destruction Act of 1996</b> .....	3470
<b>Charitable Assistance and Food Bank Act of 1987, amendments</b> .....	2346	<b>Commodity Credit Corporation Charter Act, amendments</b> .....	934, 1016
<b>Child Abuse Prevention and Treatment Act, amendments</b> .....	3064-3088	<b>Commodity Promotion, Research, and Information Act of 1996</b> .....	1032
<b>Child Abuse Prevention and Treatment Act Amendments of 1996</b> .....	3063	<b>Communications Act of 1934, amendments</b> .....	56, 3009-313, 3840
<b>Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, amendments</b> .....	3090, 3091	<b>Communications Assistance for Law Enforcement Act, amendments</b> .....	3009-19, 3840
<b>Child Care and Development Block Grant Act of 1990, amendments</b> .....	2279	<b>Communications Decency Act of 1996</b> .....	133
<b>Child Care and Development Block Grant Amendments of 1996</b> .....	2278	<b>Community Improvement Volunteer Act of 1994, amendments</b> .....	3009-312
<b>Child Nutrition Act of 1966, amendments</b> .....	2171, 2301-2307, 3011, 3012	<b>Competitive, Special, and Facilities Research Grant Act, amendments</b> .....	1179
<b>Child Pilot Safety Act</b> .....	3263	<b>Comprehensive Drug Abuse Prevention and Control Act of 1970, amendments</b> .....	2640
<b>Child Pornography Prevention Act of 1996</b> .....	3009-26	<b>Comprehensive Environmental Response, Compensation, and Liability Act of 1980, amendments</b> .....	559, 2484-2488, 3009-462, 3009-464, 3399
<b>Church Arson Prevention Act of 1996</b> .....	1392	<b>Comprehensive Methamphetamine Control Act of 1996</b> .....	3099
<b>Civil Justice Reform Act of 1990, amendments</b> .....	3860	<b>Computer Security Act of 1987, amendments</b> .....	701
<b>Civil Rights Act of 1968, amendments</b> .....	3508	<b>Confederated Tribe of the Colville Reservation Grand Coulee Dam Settlement Act, amendments</b> .....	1321-353
<b>Civil Rights of Institutionalized Persons Act, amendments</b> ....	1321-70-1321-73	<b>Congressional Accountability Act of 1995, amendments</b> .....	2415
<b>Claiborne Pell Institute for International Relations and Public Policy Act</b> .....	3867	<b>Congressional Award Act, amendments</b> .....	3009-511
<b>Clayton Act, amendments</b> .....	143	<b>Congressional Budget Act of 1974, amendments</b> .....	1212, 1745, 2192
<b>Clean Air Act, amendments</b> .....	3175, 3257	<b>Congressional Budget and Impoundment Control Act of 1974, amendments</b> .....	849, 1200-1211
<b>Clean Air Act Amendments of 1990, amendments</b> .....	3838	<b>Congressional Operations Appropriation Act, 1984, amendments</b> .....	1728, 1732, 1734, 1735
<b>Coast Guard Authorization Act of 1984, amendments</b> .....	3915	<b>Congressional Operations Appropriations Act, 1997</b> .....	2394
<b>Coast Guard Authorization Act of 1991, amendments</b> .....	3917, 3918	<b>Consolidated Farm and Rural Development Act, amendments</b> .....	184, 1084-1107, 1122-1139, 1148
<b>Coast Guard Authorization Act of 1993, amendments</b> .....	3977	<b>Consolidated Omnibus Budget Reconciliation Act of 1985, amendments</b> .....	3140, 3516, 3517, 3529, 3539, 3540
<b>Coast Guard Authorization Act of 1996</b> .....	3901		
<b>Coast Guard Regulatory Reform Act of 1996, amendments</b> .....	3927		
<b>Coastal Wetlands Planning, Protection and Restoration Act, amendments</b> .....	3774		
<b>Coastal Zone Management Act of 1972, amendments</b> .....	1380-1382		

	Page		Page
<b>Consumer Credit Protection Act,</b> amendments.....	3009-421, 3009-454, 3399	<b>D</b>	
<b>Consumer Credit Reporting</b> Reform Act of 1996.....	3009-426	<b>Dairy Production Stabilization Act</b> of 1983, amendments.....	922
<b>Contract Disputes Act of 1978,</b> amendments.....	677, 3871	<b>David L. Boren National Security</b> <b>Education Act of 1991,</b> amendments.....	2664-2667
<b>Contract Settlement Act of 1944,</b> amendments.....	3836	<b>Dayton Aviation Heritage</b> <b>Preservation Act of 1992,</b> amendments.....	4189
<b>Contract with America</b> Advancement Act of 1996.....	847	<b>Debt Collection Improvement Act</b> of 1996.....	1321-358
<b>Contract with America</b> Advancement Act of 1996, amendments.....	2185, 2192	<b>Deepwater Port Act of 1974,</b> amendments.....	3925-3927
<b>Controlled Substances Act,</b> amendments.....	1226, 1318, 2640, 3101- 3108, 3111, 3506, 3512, 3807, 3808	<b>Deepwater Port Modernization</b> <b>Act.....</b>	3925
<b>Controlled Substances Import and</b> <b>Export Act, amendments....</b>	3100, 3105, 3807	<b>Defense Acquisition Improvement</b> <b>Act of 1986, amendments.....</b>	677
<b>Conventional Forces in Europe</b> <b>Treaty Implementation Act of</b> 1991, amendments.....	470	<b>Defense Against Weapons of Mass</b> <b>Destruction Act of 1996.....</b>	2714
<b>Cooperative Forestry Assistance</b> Act of 1978, amendments.....	1005, 1015	<b>Defense Authorization</b> <b>Amendments and Base Closure</b> <b>and Realignment Act,</b> amendments....	515, 558, 563, 564, 2788, 2789
<b>Coquille Restoration Act,</b> amendments.....	3009-537	<b>Defense Base Closure and</b> <b>Realignment Act of 1990,</b> amendments.....	508, 514, 558, 560-565, 2789
<b>Corporation for the Promotion of</b> <b>Rifle Practice and Firearms</b> <b>Safety Act.....</b>	515	<b>Defense Conversion, Reinvestment,</b> <b>and Transition Assistance Act</b> of 1992, amendments.....	2610
<b>Corporation for the Promotion of</b> <b>Rifle Practice and Firearms</b> <b>Safety Act, amendments.....</b>	2657	<b>Defense Department Overseas</b> <b>Teachers Pay and Personnel</b> <b>Practices Act, amendments.....</b>	2736, 2737
<b>Cotton Statistics and Estimates</b> Act, amendments.....	1185	<b>Defense Drug Interdiction</b> <b>Assistance Act, amendments.....</b>	509
<b>Cranston-Gonzalez National</b> <b>Affordable Housing Act,</b> amendments ...	42-44, 2887, 2904, 4042- 4044	<b>Defense of Marriage Act.....</b>	2419
<b>Crawford National Fish Hatchery</b> Conveyance Act.....	3018	<b>Deficiency Appropriation Act,</b> Fiscal Year 1934, amendments.....	1726
<b>Credit Repair Organizations</b> Act.....	3009-455	<b>Demonstration Cities and</b> <b>Metropolitan Development Act</b> of 1966, amendments.....	3009-312
<b>Crime Victims Act of 1984,</b> amendments.....	1243-1245, 1247	<b>Department of Agriculture and</b> <b>Farm Credit Administration</b> <b>Appropriation Act, 1959,</b> amendments.....	1005
<b>Critical Agricultural Materials Act,</b> amendments.....	1175	<b>Department of Agriculture Organic</b> <b>Act of 1956, amendments.....</b>	1006
<b>Crow Boundary Settlement Act of</b> 1994, amendments.....	765	<b>Department of Agriculture</b> <b>Reorganization Act of 1994,</b> amendments.....	945, 946, 1005, 1006, 1115, 1128, 1131, 1155
<b>Crow Creek Sioux Tribe</b> <b>Infrastructure Development</b> <b>Trust Fund Act of 1996.....</b>	3026	<b>Department of Commerce and</b> <b>Related Agencies</b> <b>Appropriations Act, 1996.....</b>	1321-23
<b>Cuban Democracy Act of 1992,</b> amendments.....	793	<b>Department of Commerce and</b> <b>Related Agencies</b> <b>Appropriations Act, 1996,</b> amendments.....	3579
<b>Cuban Liberty and Democratic</b> <b>Solidarity (LIBERTAD) Act of</b> 1996.....	785		
<b>Customs and Trade Act of 1990,</b> amendments.....	3517, 3533		
<b>Customs Enforcement Act of 1986,</b> amendments.....	2661		

## POPULAR NAME INDEX

A5

	Page		Page
Department of Commerce and Related Agencies Appropriations Act, 1997.....	3009-32	Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1988, amendments .....	1321-290
Department of Defense Appropriations Act, 1981, amendments .....	407	Department of Justice Appropriation Authorization Act, Fiscal Year 1980, amendments .....	3009-68
Department of Defense Appropriations Act, 1983, amendments .....	407	Department of Justice Appropriations Act, 1991, amendments .....	3838
Department of Defense Appropriations Act, 1989, amendments .....	235, 509	Department of Justice Appropriations Act, 1996.....	1321
Department of Defense Appropriations Act, 1992, amendments .....	235, 280, 413	Department of Justice Appropriations Act, 1997.....	3009
Department of Defense Appropriations Act, 1993, amendments .....	413, 509	Department of Labor Appropriations Act, 1996.....	1321-211
Department of Defense Appropriations Act, 1994, amendments .....	413, 444	Department of Labor Appropriations Act, 1997.....	3009-233
Department of Defense Appropriations Act, 1995, amendments .....	365, 413	Department of State and Related Agencies Appropriations Act, 1995, amendments .....	1321-45
Department of Defense Appropriations Act, 1996.....	2598	Department of State and Related Agencies Appropriations Act, 1996 .....	1321-36
Department of Defense Appropriations Act, 1996, amendments .....	1321-329, 1321-331, 2598, 2664, 3009-113	Department of State and Related Agencies Appropriations Act, 1997 .....	3009-46
Department of Defense Appropriations Act, 1997.....	3009-71	Department of the Interior and Related Agencies Appropriations Act, 1996.....	1321-156
Department of Defense Authorization Act, 1984, amendments .....	298, 377, 380, 508, 2596	Department of the Interior and Related Agencies Appropriations Act, 1996, amendments .....	1327
Department of Defense Authorization Act, 1985, amendments .....	484, 508	Department of the Interior and Related Agencies Appropriations Act, 1997.....	3009-181
Department of Defense Authorization Act, 1986, amendments .....	216, 234, 243, 244, 508, 2661	Department of Transportation Act, amendments .....	3400
Department of Defense Civilian Intelligence Personnel Policy Act of 1996 .....	2745	Department of Transportation and Related Agencies Appropriations Act, 1988, amendments .....	2982
Department of Education Appropriations Act, 1996.....	1321-229	Department of Transportation and Related Agencies Appropriations Act, 1995, amendments .....	3398, 3400
Department of Education Appropriations Act, 1997.....	3009-255	Department of Transportation and Related Agencies Appropriations Act, 1996, amendments .....	876, 1321-331
Department of Education Organization Act, amendments .....	3009-313	Department of Transportation and Related Agencies Appropriations Act, 1997.....	2951
Department of Energy Organization Act, amendments .....	664, 665	Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988, amendments .....	979, 3009-624
Department of Health and Human Services Appropriations Act, 1996 .....	1321-221		
Department of Health and Human Services Appropriations Act, 1997 .....	3009-242		

	Page		Page
Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991, amendments.....	3838	Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1996 .....	1694
Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1994, amendments.....	3009-560	Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989, amendments .....	1321-187
Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1995, amendments.....	1321-45	Dire Emergency Supplemental Appropriations for Disaster Assistance, Food Stamps, Unemployment Compensation Administration, and Other Urgent Needs, and Transfers, and Reducing Funds Budgeted for Military Spending Act of 1990, amendments .....	2415
Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996.....	1321	District of Columbia Appropriations Act, 1996.....	1321-77
Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, amendments.....	3579	District of Columbia Appropriations Act, 1996, amendments.....	2369
Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997.....	3009	District of Columbia Appropriations Act, 1997.....	2356
Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997, amendments.....	4004	District of Columbia Delegate Act, amendments.....	1724
Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996 .....	1321-211	District of Columbia Government Comprehensive Merit Personnel Act of 1978, amendments ....	1321-96-1321-98, 2372
Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 .....	1321-257	District of Columbia Real Property Tax Revision Act of 1974, amendments.....	1321-92
Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, amendments .....	1327, 2892, 2893, 2897	District of Columbia Retirement Reform Act, amendments .....	3841
Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 .....	2874	District of Columbia School Reform Act of 1995.....	1321-107
Deposit Insurance Funds Act of 1996 .....	3009-479	District of Columbia School Reform Act of 1995, amendments .....	2376, 2377, 3009-503-3009-507
Depository Institution Management Interlocks Act, amendments.....	3009-409	District of Columbia Self-Government and Governmental Reorganization Act, amendments.....	1321-91, 1321-92, 1696, 2369, 2376
Developmental Disabilities Assistance and Bill of Rights Act, amendments .....	1694	District of Columbia Self-Government and Governmental Reorganization Act of 1973, amendments.....	1321-92
		District of Columbia Water and Sewer Authority Act of 1996.....	1696
		Drug-Free Workplace Act of 1988, amendments.....	656, 677
		Drug-Induced Rape Prevention and Punishment Act of 1996.....	3807
		E	
		Economic Espionage Act of 1996 .....	3488

## POPULAR NAME INDEX

A7

	Page		Page
<b>Economic Growth and Regulatory Paperwork Reduction Act of 1996</b> .....	3009–394	<b>Energy and Water Development Appropriations Act, 1997,</b> amendments .....	3009–272
<b>Education Amendments of 1974,</b> amendments .....	3009–312	<b>Energy Conservation in Existing Buildings Act of 1976,</b> amendments .....	3838
<b>Education Amendments of 1978,</b> amendments .....	1321–255	<b>Energy Policy Act of 1992,</b> amendments .....	1321–350, 1683, 3173, 3174, 3306
<b>Eisenhower Exchange Fellowship Act of 1990,</b> amendments .....	751, 1321–45	<b>Energy Policy and Conservation Act,</b> amendments ...	664, 665, 3810, 3838
<b>El Centro Naval Air Facility Ranges Withdrawal Act</b> .....	2813	<b>Energy Research and Development Administration Appropriation Authorization Act for Fiscal Year 1977,</b> amendments .....	664
<b>Electronic Freedom of Information Act Amendments of 1996</b> .....	3048	<b>Equal Credit Opportunity Act,</b> amendments .....	3009–420
<b>Electronic Fund Transfer Act,</b> amendments .....	2346, 2350	<b>Equity in Educational Land-Grant Status Act of 1994,</b> amendments .....	1175
<b>Elementary and Secondary Education Act of 1965,</b> amendments .....	448, 449, 1321–236, 1321–254, 1321–255, 1321–150, 1321–151, 2172, 2379–2382, 2384, 2503, 3009–262, 3009–312, 3009–313	<b>Ethics in Government Act of 1978,</b> amendments .....	1566, 1747, 2687
<b>Elwha River Ecosystem and Fisheries Restoration Act,</b> amendments .....	3009–201	<b>Ethics Reform Act of 1989,</b> amendments .....	1747
<b>Emergency Drought Relief Act of 1996</b> .....	3862	<b>Executive Office Appropriations Act, 1996,</b> amendments .....	1321–333
<b>Emergency Food Assistance Act of 1983,</b> amendments .....	1029, 2343–2345	<b>Executive Office Appropriations Act, 1997</b> .....	3009–326
<b>Emergency Management Assistance Compact</b> .....	3877	<b>Export Administration Act of 1979,</b> amendments .....	3841
<b>Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995,</b> amendments .....	2917	<b>Export Enhancement Act of 1988,</b> amendments .....	1928, 3407
<b>Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act, 1995,</b> amendments .....	1321–202	<b>Export-Import Bank Act of 1945,</b> amendments .....	751, 2702
<b>Emergency Wetlands Resources Act of 1986,</b> amendments .....	3167	<b>F</b>	
<b>Employee Commuting Flexibility Act of 1996</b> .....	1928	<b>FAA Research, Engineering, and Development Management Reform Act of 1996</b> .....	3278
<b>Employee Polygraph Protection Act of 1988,</b> amendments .....	2687	<b>Fair Credit Reporting Act,</b> amendments .....	2240, 3009–426–3009–452
<b>Employee Retirement Income Security Act of 1974,</b> amendments .....	1799, 1808, 1815, 1820, 1880, 1886, 1939, 1951–1953, 2058, 2088, 2257, 2935–2938, 2944–2947, 3440	<b>Fair Debt Collection Practices Act,</b> amendments .....	3009–425
<b>Energy and Water Development Appropriations Act, 1991,</b> amendments .....	3003	<b>Fair Housing Act</b> .....	3009–421
<b>Energy and Water Development Appropriations Act, 1997</b> .....	2984	<b>Fair Labor Standards Act of 1938,</b> amendments .....	1553, 1554, 1755, 1928, 1929
		<b>False Statements Accountability Act of 1996</b> .....	3459
		<b>Family Support Act of 1988,</b> amendments .....	2175, 2176, 2237
		<b>Family Violence Prevention and Services Act,</b> amendments ...	3009–254, 3089
		<b>Farm Credit Act of 1971,</b> amendments .....	162, 3831
		<b>Farm Credit Banks and Associations Safety and Soundness Act of 1992,</b> amendments .....	3831

	Page		Page
<b>Farm Credit System Reform Act of 1996</b> .....	162	<b>Federal Fire Prevention and Control Act of 1974,</b> amendments .....	3832
<b>Fastener Quality Act,</b> amendments .....	780-782	<b>Federal Food, Drug, and Cosmetic Act,</b> amendments .....	882, 1321-313, 1513, 1594, 1595, 1684, 3151
<b>Father Aull Site Transfer Act of 1996</b> .....	3009-203, 4114	<b>Federal Home Loan Bank Act,</b> amendments .....	3009-485, 3009-488, 3009-489, 3009-747
<b>FDA Export Reform and Enhancement Act of 1996</b> ....	1321-313	<b>Federal Insecticide, Fungicide, and Rodenticide Act,</b> amendments ....	1174, 1489
<b>Federal Acquisition Reform Act of 1996</b> .....	642	<b>Federal Land Policy and Management Act of 1976,</b> amendments .....	4139, 4239
<b>Federal Acquisition Reform Act of 1996,</b> amendments .....	3009-393	<b>Federal Lands Cleanup Act of 1985,</b> amendments .....	4188
<b>Federal Acquisition Streamlining Act of 1994,</b> amendments .....	394, 658, 671	<b>Federal Law Enforcement Dependents Assistance Act of 1996</b> .....	3114
<b>Federal Agriculture Improvement and Reform Act of 1996</b> .....	888	<b>Federal Meat Inspection Act,</b> amendments .....	979, 1188
<b>Federal Agriculture Improvement and Reform Act of 1996,</b> amendments .....	1600, 1607	<b>Federal National Mortgage Association Charter Act,</b> amendments .....	836, 4050
<b>Federal Aviation Reauthorization Act of 1996</b> .....	3213	<b>Federal Nonnuclear Energy Research and Development Act of 1974,</b> amendments .....	664, 3838
<b>Federal Campaign Act of 1971,</b> amendments .....	3399	<b>Federal Oil and Gas Royalty Management Act of 1982,</b> amendments .....	1700, 1702, 1704, 1710, 1712-1715, 2421
<b>Federal Civil Penalties Inflation Adjustment Act of 1990,</b> amendments .....	1321-373	<b>Federal Oil and Gas Royalty Simplification and Fairness Act of 1996</b> .....	1700
<b>Federal Contested Elections Act,</b> amendments .....	1743, 1744	<b>Federal Pay Comparability Act of 1970,</b> amendments .....	1729
<b>Federal Courts Improvement Act of 1996</b> .....	3847	<b>Federal Power Act,</b> amendments .....	676, 3832
<b>Federal Credit Union Act,</b> amendments .....	3009-426, 3009-478	<b>Federal Property and Administrative Services Act of 1949,</b> amendments ....	510, 555, 642-645, 647, 651-653, 674, 675, 680, 701, 702, 2606, 2607, 2609, 3009-357, 3836, 3871, 3873
<b>Federal Crop Insurance Act,</b> amendments .....	943-946, 950	<b>Federal Reserve Act,</b> amendments .....	3009-405, 3009-410, 3009-426, 3009-489
<b>Federal Debt Recovery Act,</b> amendments .....	1321-380, 3009-419	<b>Federal Rules of Appellate Procedure,</b> amendments .....	1218
<b>Federal Deposit Insurance Act,</b> amendments .....	1567, 3009-403, 3009-405, 3009-409, 3009-411, 3009-414, 3009-417, 3009-419, 3009-420, 3009-469, 3009-478, 3009-479, 3009-485, 3009-487, 3009-488, 3009-490, 3009-495-3009-497, 3831	<b>Federal Rules of Criminal Procedure,</b> amendments .....	1236
<b>Federal Deposit Insurance Corporation Improvement Act of 1991,</b> amendments ....	3009-415, 3830, 3831	<b>Federal Tea Tasters Repeal Act of 1996</b> .....	1198
<b>Federal Election Campaign Act of 1971,</b> amendments .....	3399	<b>Federal Trade Commission Act,</b> amendments .....	3019
<b>Federal Employee Representation Improvement Act of 1996</b> .....	1563	<b>Federal Trade Commission Reauthorization Act of 1996</b> .....	3019
<b>Federal Employee Travel Reform Act of 1996</b> .....	2752	<b>Federal Unemployment Tax Act,</b> amendments .....	2218
<b>Federal Energy Administration Act of 1974,</b> amendments .....	664	<b>Federal Water Pollution Control Act,</b> amendments ....	254, 258, 259, 3791, 3992
<b>Federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989</b> .....	3009-411		
<b>Federal Financial Management Act of 1994,</b> amendments ...	1321-376, 3009-366		
<b>Federal Financial Management Improvement Act of 1996</b> ....	3009-389		

## POPULAR NAME INDEX

A9

	Page		Page
<b>50 States Commemorative Coin Program Act</b> .....	4012	<b>Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996</b> .....	704
<b>Financial Institutions Reform, Recovery, and Enforcement Act of 1989, amendments....</b>	1989, 3009-415, 3009-474, 3009-494, 3009-495, 3509, 3831	<b>Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997</b> .....	3009-121
<b>First Supplemental Civil Functions Appropriation Act, 1941, amendments</b> .....	1748	<b>Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, amendments</b> .....	3009-169, 3009-624
<b>Fisheries Act of 1995, amendments</b> .....	3621	<b>Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, amendments</b> .....	15, 1321-45
<b>Fisheries Financing Act</b> .....	3615	<b>Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, amendments</b> .....	3009-617
<b>Flood Control Act of 1950, amendments</b> .....	3697	<b>Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, amendments</b> .....	760, 3009-724
<b>Flood Control Act of 1968, amendments</b> .....	3680, 3697	<b>Foreign Trade Zones Act, amendments</b> .....	2621, 3536
<b>Flood Control Act of 1970, amendments</b> .....	445, 3696, 3703	<b>Fort Carson-Pinon Canyon Military Lands Withdrawal Act</b> .....	2807
<b>Fluid Milk Promotion Act of 1990, amendments</b> .....	918, 919	<b>Fort Peck Rural County Water Supply System Act of 1996</b> .....	3646
<b>Food, Agriculture, Conservation, and Trade Act Amendments of 1991, amendments</b> .....	1175	<b>Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, amendments</b> .....	977
<b>Food, Agriculture, Conservation, and Trade Act of 1990, amendments</b> ....	918, 974, 976-980, 1005, 1015, 1108, 1112, 1113, 1115, 1119-1121, 1131, 1152, 1168-1170, 1173-1175, 1180, 1187, 2346	<b>Freedom of Information Act, amendments</b> .....	3048
<b>Food for Progress Act of 1985, amendments</b> .....	962, 974		
<b>Food Quality Protection Act of 1996</b> .....	1489, 1513	<b>G</b>	
<b>Food Security Act of 1985, amendments</b> ....	902, 903, 920, 921, 974-976, 980-1002, 985-988, 1005, 1006, 1009, 1103, 1107, 2345	<b>General Accounting Office Act of 1996</b> .....	3826
<b>Food Security Commodity Reserve Act of 1996</b> .....	959	<b>General Education Provisions Act, amendments</b> .....	1321-255
<b>Food Stamp Act of 1977, amendments</b> ....	1026, 1027, 2169, 2170, 2308-2340, 2342, 2346, 3009-624, 3829	<b>George Bush School of Government and Public Service Act</b> .....	3867
<b>Foreign Agents Registration Act, amendments</b> .....	3009-621	<b>George Washington National Forest Mount Pleasant Scenic Area Act, amendments</b> .....	1187
<b>Foreign Assistance Act of 1961, amendments</b> ....	422, 481, 732, 737, 743, 795-797, 1256, 1257, 1421, 1928, 3009-123, 3009-161, 3866	<b>Goals 2000: Educate America Act, amendments</b> .....	1321-251
<b>Foreign Direct Investment and International Financial Data Improvements Act of 1990, amendments</b> .....	3833	<b>Government Employee Rights Act of 1991, amendments</b> .....	4072
<b>Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, amendments</b> .....	979	<b>Government Management Reform Act of 1994, amendments</b> .....	3009-366
<b>Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, amendments</b> .....	3009-168, 3865	<b>Great Basin National Park Act of 1986, amendments</b> .....	1321-203
		<b>Greens Creek Land Exchange Act of 1995</b> .....	879
		<b>GSP Renewal Act of 1996</b> .....	1917
		<b>H</b>	
		<b>Harmonized Tariff Schedule of the United States, amendments</b> .....	1927, 2872, 3519
		<b>Hatch Act of 1887, amendments</b> .....	1175

**G**

# H

	Page		Page
<b>Hate Crimes Statistics Act,</b> amendments.....	1394	<b>Housing and Urban Development</b> <b>Act of 1965, amendments</b> .....	42
<b>Hawaiian Islands National Marine</b> <b>Sanctuary Act, amendments</b> .....	3365, 3366	<b>Housing and Urban Development</b> <b>Act of 1968, amendments</b> .....	3830
<b>Hazardous Materials</b> <b>Transportation Act of 1994,</b> amendments.....	3398	<b>Housing and Urban-Rural</b> <b>Recovery Act of 1983,</b> amendments.....	2171
<b>Head Start Act, amendments</b> .....	2175	<b>Housing Opportunity Program</b> <b>Extension Act of 1996</b> .....	834
<b>Health Centers Consolidation Act</b> <b>of 1996</b> .....	3626	<b>Howard M. Metzenbaum</b> <b>Multiethnic Placement Act of</b> <b>1994, amendments</b> .....	1904
<b>Health Centers Consolidation Act</b> <b>of 1996, amendments</b> .....	3009-275	<b>HUD Demonstration Act of 1993,</b> amendments.....	3837, 4045
<b>Health Insurance Portability and</b> <b>Accountability Act of 1996,</b> amendments.....	1936	<b>Hudson River Valley National</b> <b>Heritage Area Act of 1996</b> .....	4275
<b>Healthy Meals for Children Act</b> .....	1379	<b>Human Rights, Refugee, and Other</b> <b>Foreign Relations Provisions</b> <b>Act of 1996</b> .....	3864
<b>Helium Act, amendments</b> .....	3315	<b>Hunger Prevention Act of 1988,</b> amendments.....	1029, 2346
<b>Helium Privatization Act of</b> <b>1996</b> .....	3315	<b>Hydrogen Future Act of 1996</b> .....	3304
<b>Higher Education Act of 1965,</b> amendments.....	501, 1321-245, 1328, 2172, 3009-262, 3009-275, 3009-283-3009- 286, 3009-289, 3009-293, 3009-312, 3009- 314, 3009-673	<b>I</b>	
<b>Historic Sites, Buildings, and</b> <b>Antiquities Act, amendments</b> .....	4197, 4198	<b>ICC Termination Act of 1995,</b> amendments.....	3399
<b>Home Mortgage Disclosure Act of</b> <b>1975, amendments</b> .....	3009-415, 3009- 416	<b>Illegal Immigration Reform and</b> <b>Immigrant Responsibility Act</b> <b>of 1996</b> .....	3009-546
<b>Home Owners' Loan Act,</b> amendments.....	2664, 3009-403, 3009- 404, 3009-413, 3009-424, 3009-425, 3009- 490	<b>Illegal Immigration Reform and</b> <b>Immigrant Responsibility Act</b> <b>of 1996, amendments</b> .....	3657
<b>Homeless Veterans Comprehensive</b> <b>Service Programs Act of 1992,</b> amendments.....	769	<b>Illinois and Michigan Canal</b> <b>National Heritage Corridor Act</b> <b>of 1984, amendments</b> .....	4204
<b>Honey Research, Promotion, and</b> <b>Consumer Information Act,</b> amendments.....	1084	<b>Illinois Land Conservation Act of</b> <b>1995</b> .....	594
<b>Hotel and Motel Fire Safety Act of</b> <b>1990, amendments</b> .....	2739, 3829	<b>Immigration Act of 1990,</b> amendments.....	3009-617, 3009-619, 3009-620, 3009-621, 3009-623, 3009-624, 3009-652, 3009-694, 3009-724
<b>House Employees Position</b> <b>Classification Act,</b> amendments.....	1743	<b>Immigration and Nationality Act,</b> amendments .....	1248, 1250, 1258, 1267, 1268, 1270, 1272-1280, 1283, 2175, 2271, 3009-546, 3009-625, 3009-723
<b>House of Representatives</b> <b>Administrative Reform</b> <b>Technical Corrections Act</b> .....	1718	<b>Immigration and Nationality</b> <b>Technical Corrections Act of</b> <b>1994, amendments</b> .....	1275, 3009-616, 3009-617, 3009-695, 3009-721, 3009-722
<b>Housing Act of 1949,</b> amendments.....	835, 1602-1604, 2276	<b>Immigration Reform and Control</b> <b>Act of 1986, amendments</b> .....	3009-623, 3009-723
<b>Housing and Community</b> <b>Development Act of 1974,</b> amendments.....	835, 1321-291, 2904, 2906, 4043	<b>Independent Agencies</b> <b>Appropriations Act, 1997</b> .....	3009-330
<b>Housing and Community</b> <b>Development Act of 1980,</b> amendments.....	2276, 3009-624, 3009- 684-3009-687	<b>Indian Dams Safety Act of 1994,</b> amendments.....	764, 3694
<b>Housing and Community</b> <b>Development Act of 1992,</b> amendments .....	43, 44, 836, 1321-284, 1321-288, 3831, 4048, 4049, 4050	<b>Indian Environmental General</b> <b>Assistance Program Act of</b> <b>1992, amendments</b> .....	3057
		<b>Indian Health Care Improvement</b> <b>Act, amendments</b> .....	3820

## POPULAR NAME INDEX

A11

	Page		Page
<b>Indian Health Care Improvement Technical Corrections Act of 1996</b> .....	3820	<b>Investment Advisers Act of 1940,</b> amendments .....	3436-3439
<b>Indian Lands Open Dump Cleanup Act of 1994, amendments</b> .....	764	<b>Investment Advisers Supervision Coordination Act</b> .....	3436
<b>Indian Self-Determination and Education Assistance Act,</b> amendments .....	766, 1320, 3009-201, 3399	<b>Investment Company Act</b> Amendments of 1996 .....	3426
<b>Indian Self-Determination Contract Reform Act of 1994,</b> amendments .....	764	<b>Investment Company Act of 1940,</b> amendments .....	3425-3435, 3444-3449
<b>Information Technology Management Act of 1996</b> .....	679	<b>Iran and Libya Sanctions Act of 1996</b> .....	1541
<b>Information Technology Management Reform Act of 1996, amendments</b> .....	3009-393	<b>Iran-Iraq Arms Non-Proliferation Act of 1992, amendments</b> .....	494
<b>Inland Navigational Rules Act of 1980, amendments</b> .....	3917, 3918, 3920, 3932	<b>Irrigation Project Contract Extension Act of 1996</b> .....	4000
<b>Inspector General Act of 1978,</b> amendments .....	510, 677, 3009-379, 3009-380, 3009-393	<b>J</b>	
<b>Intelligence Authorization Act, Fiscal Year 1990,</b> amendments .....	3009-724	<b>Jicarilla Apache Tribe Water Rights Settlement Act,</b> amendments .....	3176
<b>Intelligence Authorization Act for Fiscal Year 1997</b> .....	3461	<b>Job Training Partnership Act,</b> amendments .....	2174
<b>Intelligence Renewal and Reform Act of 1996</b> .....	3474	<b>Johnson Act, amendments</b> .....	3286, 3967, 3968
<b>Inter-American Development Bank Act, amendments</b> .....	3833	<b>Judicial Improvements Act of 1990,</b> amendments .....	3852
<b>Interjurisdictional Fisheries Act of 1986, amendments</b> .....	1321-31, 3618	<b>Judiciary Appropriations Act, 1992,</b> amendments .....	3854
<b>Intermodal Safe Container Transportation Amendments Act of 1996</b> .....	3453	<b>Judiciary Appropriations Act, 1996</b> .....	1321-32
<b>Intermodal Surface Transportation Efficiency Act of 1991,</b> amendments .....	2981, 3400, 3839	<b>Judiciary Appropriations Act, 1997</b> .....	3009-42
<b>Internal Revenue Code of 1986,</b> amendments .....	828, 1321-363, 1321-368, 1321-369, 1321-375, 1452, 1758, 1889, 1928, 1936, 2037, 2073, 2084, 2089, 2173, 2218, 2220, 2242, 2276, 2277, 2657, 3274, 3278, 3792, 3833, 2351, 2352	<b>Justice for Victims of Terrorism Act of 1996</b> .....	1243
<b>Internal Security Act of 1950,</b> amendments .....	2751	<b>Juvenile Justice and Delinquency Prevention Act of 1974,</b> amendments .....	3508
<b>International Banking Act of 1978,</b> amendments .....	3009-411-3009-413	<b>K</b>	
<b>International Claims Settlement Act of 1949, amendments</b> .....	820, 821, 3842	<b>Kenai Association Equity Act Amendments of 1996</b> .....	4139
<b>International Emergency Economic Powers Act, amendments</b> .....	2725	<b>L</b>	
<b>International Financial Institutions Act, amendments</b> .....	1257, 1928, 3009-181	<b>Labor Management Relations Act, 1947, amendments</b> .....	3871
<b>International Lending Supervision Act of 1983, amendments</b> .....	3009-415	<b>Lac Vieux Desert Band of Lake Superior Chippewa Indians Act, amendments</b> .....	766
<b>International Travel Act of 1961,</b> amendments .....	3407, 3408	<b>Lake Champlain Special Designation Act of 1990,</b> amendments .....	1005
		<b>Land and Water Conservation Fund Act of 1965,</b> amendments .....	4196, 4210
		<b>Land Disposal Program Flexibility Act of 1996</b> .....	830
		<b>Legislative Branch Appropriation Act, 1943, amendments</b> .....	1732
		<b>Legislative Branch Appropriation Act, 1948, amendments</b> .....	1731, 1732
		<b>Legislative Branch Appropriation Act, 1955, amendments</b> .....	1725, 1727, 1740

	Page		Page
<b>Legislative Branch Appropriation</b>		<b>Legislative Branch Appropriations</b>	
Act, 1957, amendments.....	1734, 1740	Act, 1997.....	2394
<b>Legislative Branch Appropriation</b>		<b>Legislative Reorganization Act of</b>	
Act, 1958, amendments.....	1734	1946, amendments.....	1731-1734, 1742
<b>Legislative Branch Appropriation</b>		<b>Legislative Reorganization Act of</b>	
Act, 1959, amendments.....	1726	1970, amendments.....	1734, 1735, 1743, 1745, 1750, 3358
<b>Legislative Branch Appropriation</b>		<b>Library Services and Construction</b>	
Act, 1961, amendments.....	1727, 1747	Act, amendments.....	3009-312
<b>Legislative Branch Appropriation</b>		<b>Library Services and Technology</b>	
Act, 1963, amendments.....	1732, 1733, 1740	Act.....	3009-295
<b>Legislative Branch Appropriation</b>		<b>Line Item Veto Act</b> .....	1200
Act, 1964, amendments.....	1727, 1733	<b>Little Traverse Bay Bands of</b>	
<b>Legislative Branch Appropriation</b>		Odawa Indians and the Little	
Act, 1965, amendments.....	1726, 1727, 1738, 1748	River Band of Ottawa Indians	
<b>Legislative Branch Appropriation</b>		Act, amendments.....	763
Act, 1966, amendments.....	1736, 1740	<b>Lobbying Disclosure Act of 1995,</b>	
<b>Legislative Branch Appropriation</b>		amendments.....	34
Act, 1968, amendments.....	1731	<b>Longshore and Harbor Workers'</b>	
<b>Legislative Branch Appropriation</b>		Compensation Act,	
Act, 1970, amendments.....	1721, 1752, 1753	amendments.....	3933
<b>Legislative Branch Appropriation</b>		<b>Low-Income Home Energy</b>	
Act, 1972, amendments.....	1748	Assistance Act of 1981,	
<b>Legislative Branch Appropriation</b>		amendments.....	2175
Act, 1975, amendments.....	2397		
<b>Legislative Branch Appropriation</b>			
Act, 1976, amendments.....	1727, 1749		
<b>Legislative Branch Appropriation</b>			
Act, 1977, amendments.....	1720, 1730		
<b>Legislative Branch Appropriation</b>			
Act, 1978, amendments.....	1726, 1728, 1732-1734		
<b>Legislative Branch Appropriation</b>			
Act, 1979, amendments.....	1730, 1731, 1740, 1741, 1749		
<b>Legislative Branch Appropriation</b>			
Act, 1981, amendments.....	1721		
<b>Legislative Branch Appropriation</b>			
Act, 1982, amendments.....	1736		
<b>Legislative Branch Appropriations</b>			
Act, 1985, amendments.....	1735		
<b>Legislative Branch Appropriations</b>			
Act, 1987, amendments.....	1739		
<b>Legislative Branch Appropriations</b>			
Act, 1988, amendments.....	1729, 1745		
<b>Legislative Branch Appropriations</b>			
Act, 1989, amendments.....	1739, 1748		
<b>Legislative Branch Appropriations</b>			
Act, 1991, amendments.....	1728, 1749		
<b>Legislative Branch Appropriations</b>			
Act, 1992, amendments.....	1749		
<b>Legislative Branch Appropriations</b>			
Act, 1993, amendments.....	1749, 2683		
<b>Legislative Branch Appropriations</b>			
Act, 1994, amendments.....	1737, 3827, 3834		
<b>Legislative Branch Appropriations</b>			
Act, 1995, amendments.....	1732		
<b>Legislative Branch Appropriations</b>			
Act, 1996, amendments.....	2397, 2400, 3845		

## M

<b>Magnuson Fishery Conservation</b>	
and Management Act,	
amendments.....	3009-41, 3560
<b>Mandatory Victim Restitution Act,</b>	
amendments.....	3502
<b>Mandatory Victims Restitution Act</b>	
of 1996.....	1227
<b>Marine Mammal Protection Act</b>	
Amendments of 1994,	
amendments.....	8
<b>Marine Mammal Protection Act of</b>	
1972, amendments.....	3621
<b>Marine Mineral Resources</b>	
Research Act of 1996.....	3994
<b>Marine Plastic Pollution Research</b>	
and Control Act of 1987,	
amendments.....	3944, 3945
<b>Marine Protection, Research, and</b>	
Sanctuaries Act of 1972,	
amendments.....	3791
<b>Maritime Drug Law Enforcement</b>	
Act, amendments.....	3988, 3989
<b>Maritime Security Act of 1996.....</b>	3118
<b>Megan's Law</b> .....	1345
<b>Mental Health Parity Act of</b>	
1996.....	2944
<b>Merchant Marine Act, 1920,</b>	
amendments.....	3934, 3943, 3978
<b>Merchant Marine Act, 1936,</b>	
amendments.....	461, 3118, 3126, 3127, 3131, 3133-3136, 3138, 3139, 3615, 3616, 3839, 3934
<b>Merchant Marine Act, 1956,</b>	
amendments.....	3934
<b>Merchant Ship Sales Act of 1946,</b>	
amendments.....	424, 3133

## A13

	Page		Page
<b>Mercury-Containing and Rechargeable Battery Management Act</b> .....	1329	<b>Military Selective Service Act, amendments</b> .....	2508
<b>Mercury-Containing Battery Management Act</b> .....	1336	<b>Miller Act, amendments</b> .....	676
<b>Metric Conversion Act of 1975, amendments</b> .....	3411-3414	<b>Minimum Wage Increase Act of 1996</b> .....	1928
<b>Metropolitan Washington Airports Act of 1986, amendments</b> .....	3274-3277	<b>Mining and Mineral Resources Institutes Act</b> .....	3819
<b>Metropolitan Washington Airports Amendments Act of 1996</b> .....	3274	<b>Mining and Mineral Resources Research Institute Act of 1984, amendments</b> .....	3819
<b>Middle East Peace Facilitation Act of 1995</b> .....	755	<b>Mining and Minerals Policy Act of 1970, amendments</b> .....	3994
<b>Military Child Care Act of 1989, amendments</b> .....	336	<b>Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, amendments</b> .....	3009-624
<b>Military Construction Appropriations Act, 1995, amendments</b> .....	2798	<b>Miscellaneous Trade and Technical Corrections Act of 1996</b> .....	3514
<b>Military Construction Appropriations Act, 1997</b> .....	2385	<b>Missile Defense Act of 1991, amendments</b> .....	233
<b>Military Construction Authorization Act, 1981, amendments</b> .....	2798	<b>Missing Children's Assistance Act, amendments</b> .....	3092
<b>Military Construction Authorization Act, 1982, amendments</b> .....	2596	<b>Model Good Samaritan Food Donation Act, amendments</b> .....	3011
<b>Military Construction Authorization Act for Fiscal Year 1991</b> .....	444	<b>Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992, amendments</b> .....	3009-369
<b>Military Construction Authorization Act for Fiscal Year 1993, amendments</b> .....	529, 577	<b>Museum and Library Services Act</b> .....	3009-294
<b>Military Construction Authorization Act for Fiscal Year 1994, amendments</b> ...	534, 539, 540	<b>Museum and Library Services Act of 1996</b> .....	3009-293
<b>Military Construction Authorization Act for Fiscal Year 1995, amendments</b> .....	529, 539, 577, 2775	<b>Museum Services Act, amendments</b> .....	3009-293
<b>Military Construction Authorization Act for Fiscal Year 1996</b> .....	523	<b>Mutual Security Act of 1954, amendments</b> .....	963, 1747
<b>Military Construction Authorization Act for Fiscal Year 1996, amendments</b> .....	2779		N
<b>Military Construction Authorization Act for Fiscal Year 1997</b> .....	2763	<b>National Aeronautics and Space Administration Federal Employment Reduction Assistance Act of 1996</b> .....	2931
<b>Military Construction Authorization Act for Fiscal Years 1990 and 1991, amendments</b> .....	530, 568, 569	<b>National Agricultural Research, Extension, and Teaching Policy Act of 1977, amendments</b> ...	1156, 1159-1168, 1171-1173, 1176, 1179
<b>Military Family Act of 1985, amendments</b> .....	336	<b>National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981, amendments</b> .....	1175, 1180
<b>Military Force Structure Review Act of 1996</b> .....	2623	<b>National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985, amendments</b> .....	1175, 1179
<b>Military Housing Assistance Act of 1995</b> .....	556	<b>National and Community Service Act of 1990, amendments</b> .....	501, 3011, 3012
<b>Military Justice Amendments of 1995</b> .....	461	<b>National Children's Island Act of 1995</b> .....	1416
<b>Military Lands Withdrawal Act of 1986, amendments</b> .....	2813	<b>National Coal Heritage Area Act of 1996</b> .....	4243

	Page		Page
<b>National Commission on Libraries and Information Science Act, amendments</b> .....	3009-306, 3009-307	<b>National Film Preservation Act of 1992, amendments</b> .....	3382
<b>National Dam Safety Program Act</b> .....	3685	<b>National Film Preservation Act of 1996</b> .....	3377
<b>National Dam Safety Program Act, amendments</b> .....	3685	<b>National Film Preservation Foundation Act</b> .....	3382
<b>National Defense Authorization Act for Fiscal Year 1987, amendments</b> .....	444	<b>National Flood Insurance Act of 1968, amendments</b> .....	2915, 3009-521
<b>National Defense Authorization Act for Fiscal Year 1989, amendments</b> .....	361, 508, 676	<b>National Gambling Impact Study Commission Act</b> .....	1482
<b>National Defense Authorization Act for Fiscal Year 1991, amendments</b> .....	251, 327, 367, 378, 399, 403, 444, 507, 508, 515, 2477, 2596, 2604, 2611, 2640, 2658, 2691	<b>National Historic Preservation Act, amendments</b> .....	4157, 4196
<b>National Defense Authorization Act for Fiscal Year 1993, amendments</b> .....	213, 215, 279, 327, 353, 448, 449, 500, 501, 506, 514, 743, 2614, 2658, 3009-161	<b>National Housing Act, amendments</b> .....	44, 45, 835, 836, 1321-290-1321-292, 2885, 2906, 2927-2930, 2928, 3009-490
<b>National Defense Authorization Act for Fiscal Year 1994, amendments</b> .....	213, 234, 235, 241, 265, 279, 308, 309, 315, 367, 374, 443, 444, 488, 506, 513, 676, 2460, 2465, 2506, 2605, 2658, 2710, 2839, 3009-338	<b>National Imagery and Mapping Agency Act of 1996</b> .....	2675
<b>National Defense Authorization Act for Fiscal Year 1995, amendments</b> .....	206, 211, 213, 235, 238, 239, 264, 273, 279, 315, 475, 484, 495, 500, 513, 624, 631, 2465, 2491, 2499, 2506, 2620, 2710, 2842, 2843, 3009-617, 3908	<b>National Institute of Standards and Technology Act, amendments</b> .....	701, 779, 782
<b>National Defense Authorization Act for Fiscal Year 1996</b> .....	186	<b>National Invasive Species Act of 1996</b> .....	4073
<b>National Defense Authorization Act for Fiscal Year 1996, amendments</b> .....	1321-330, 2443, 2448, 2458, 2490, 2506, 2583, 2588, 2596, 2620, 2636, 2660, 2726, 2734, 2829, 2835, 3009-393, 2617, 2618	<b>National Kiwifruit Research, Promotion, and Consumer Information Act</b> .....	1064
<b>National Defense Authorization Act for Fiscal Year 1997</b> .....	2422	<b>National Marine Sanctuaries Act, amendments</b> .....	3363
<b>National Defense Authorization Act for Fiscal Year 1997, amendments</b> .....	3009-102, 3009-117, 3009-118	<b>National Marine Sanctuaries Preservation Act</b> .....	3363
<b>National Defense Authorization Act for Fiscal Years 1988 and 1989, amendments</b> .....	234, 402, 676	<b>National Marine Sanctuaries Program Amendments Act of 1992, amendments</b> .....	3364, 3367, 3368
<b>National Defense Authorization Act for Fiscal Years 1990 and 1991, amendments</b> .....	213, 214, 394, 395, 443, 467, 676, 2241, 2447, 2463, 2640	<b>National Museum of the American Indian Act, amendments</b> .....	3355
<b>National Defense Authorization Act for Fiscal Years 1992 and 1993, amendments</b> .....	220, 279, 281, 288, 327, 443, 444, 457, 500, 507, 514, 556, 2483, 2524	<b>National Museum of the American Indian Act Amendments of 1996</b> .....	3355
<b>National Energy Conservation Policy Act, amendments</b> .....	702, 3838	<b>National Natural Resources Conservation Foundation Act</b> .....	1010
		<b>National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act, amendments</b> .....	3618
		<b>National Park Service Organic Act, amendments</b> .....	4197
		<b>National Parks and Recreation Act of 1978, amendments</b> .....	4149, 4150, 4155
		<b>National School Lunch Act, amendments</b> .....	1379, 2170, 2287-2301
		<b>National Science and Technology Policy, Organization, and Priorities Act of 1976, amendments</b> .....	1171
		<b>National Science Foundation Act, 1970, amendments</b> .....	443
		<b>National Securities Markets Improvement Act of 1996</b> .....	3416

	Page		Page
<b>National Security Act of 1947,</b> amendments.....	353, 510, 2684-2687, 3464, 3466, 3474-3485	<b>Oil Pollution Act of 1990,</b> amendments.....	1321-177, 3964-3966, 3968, 3981, 3991
<b>National Security Agency Act of</b> 1959, amendments .....	445, 2751	<b>Omnibus Budget Reconciliation</b> Act of 1987, amendments .....	2171
<b>National Ship Building and</b> <b>Shipyard Conversion Act of</b> 1993, amendments .....	2658	<b>Omnibus Budget Reconciliation</b> Act of 1989, amendments ....	1888, 3837, 3838
<b>National Species Act of 1996</b> .....	4073	<b>Omnibus Budget Reconciliation</b> Act of 1990, amendments .....	974, 3837, 3841, 3970
<b>National Technology Transfer and</b> <b>Advancement Act of 1995</b> .....	775	<b>Omnibus Budget Reconciliation</b> Act of 1993, amendments .....	967, 2277
<b>National Trails System Act,</b> amendments.....	4148, 4153, 4196	<b>Omnibus Consolidated</b> Appropriations Act, 1997 .....	3009
<b>National Transportation Safety</b> <b>Board Amendments of 1996</b> .....	3452	<b>Omnibus Consolidated Rescissions</b> and Appropriations Act of	
<b>National Visitor Center Facilities</b> Act of 1968, amendments .....	1750, 4196	1996 .....	1321
<b>Native American Housing</b> <b>Assistance and Self-</b> <b>Determination Act of 1996</b> .....	4016	<b>Omnibus Consolidated Rescissions</b> and Appropriations Act of 1996, amendments.....	1327, 2892, 3009-187, 3009-223, 3579
<b>Native American Languages Act,</b> amendments.....	765	<b>Omnibus Crime Control and Safe</b> <b>Streets Act of 1968,</b> amendments.....	1317, 1321-21, 3114
<b>NATO Enlargement Facilitation</b> Act of 1996 .....	3009-173	<b>Omnibus Education Reconciliation</b> Act of 1981, amendments .....	3009-312
<b>NATO Participation Act of 1994,</b> amendments.....	752-754, 3009-178	<b>Omnibus Parks and Public Lands</b> <b>Management Act of 1996</b> .....	4093
<b>Navajo-Hopi Land Dispute</b> <b>Settlement Act of 1996</b> .....	3649	<b>Omnibus Trade and</b> <b>Competitiveness Act of 1988,</b> amendments .....	974, 1927, 3529, 3531
<b>Negotiated Rulemaking Act of 1990,</b> amendments .....	3873	<b>Opal Creek Wilderness and Opal</b> <b>Creek Scenic Recreation Area</b> Act of 1996 .....	3009-523
<b>Newborns' and Mothers' Health</b> <b>Protection Act of 1996</b> .....	2935	<b>Options Pilot Program Act of 1990,</b> amendments .....	942
<b>Noise Control Act of 1972,</b> amendments .....	3399	<b>Oregon Resource Conservation Act</b> of 1996 .....	3009-523
<b>Nonindigenous Aquatic Nuisance</b> <b>Prevention and Control Act of</b> 1990, amendments .....	1689, 4073	<b>Organic Act of Guam,</b> amendments.....	1752
<b>North American Free Trade</b> <b>Agreement Implementation</b> Act, amendments .....	1927, 3529-3531	<b>Organotin Antifouling Paint</b> <b>Control Act of 1988,</b> amendments.....	445
<b>North Carolina Wilderness Act of</b> 1984, amendments .....	3009-227	<b>Outer Banks Protection Act,</b> amendments.....	1321-177
<b>Northeast Rail Service Act of 1981,</b> amendments .....	3859	<b>Outer Continental Shelf Lands Act,</b> amendments.....	1717
<b>Northern Great Plains Rural</b> <b>Development Act,</b> amendments.....	4003	<b>Outer Continental Shelf</b> <b>Operations Indemnification</b> Clarification Act of 1988, amendments.....	3014, 3015
<b>Nuclear Proliferation Prevention</b> Act of 1994, amendments .....	1440		
<b>O</b>		<b>P</b>	
<b>Office of Federal Procurement</b> <b>Policy Act,</b> amendments .....	642, 644, 653-659, 664-668, 670, 671, 675, 677, 690, 702, 2609, 2660, 2661	<b>Pacific Northwest Electric Power</b> <b>Planning and Conservation</b> Act, amendments .....	3005
<b>Office of Government Ethics</b> <b>Authorization Act of 1996</b> .....	1566	<b>Pam Lychner Sexual Offender</b> <b>Tracking and Identification Act</b> of 1996 .....	3093
<b>Officer Personnel Act of 1947,</b> amendments .....	514	<b>Panama Canal Act Amendments of</b> 1996 .....	2860
<b>Ohio &amp; Erie Canal National</b> <b>Heritage Corridor Act of</b> 1996 .....	4267		

	Page		Page
<b>Panama Canal Act of 1979,</b> amendments.....	638-642, 2860	<b>Public Health Service Act,</b> amendments.....	1321-245, 1321-319, 1321-320, 1346, 1445, 1613, 1880, 1955, 1976, 1978, 1988, 2031, 2059, 2087, 2088, 2538, 2938-2942, 2947, 3626, 3642, 3644, 3836, 3837,
<b>Panama Canal Amendments Act of</b> <b>1995</b> .....	638	<b>Public Safety and Recreational</b> <b>Firearms Use Protection Act,</b> amendments.....	3505
<b>Panama Canal Commission</b> <b>Authorization Act for Fiscal</b> <b>Year 1996</b> .....	637	<b>Public Utility Holding Company</b> <b>Act of 1935, amendments</b> .....	81
<b>Panama Canal Commission</b> <b>Authorization Act for Fiscal</b> <b>Year 1997</b> .....	2859		
<b>Parole Commission Phaseout Act</b> <b>of 1996</b> .....	3055	<b>R</b>	
<b>Pennsylvania Avenue Development</b> <b>Corporation Act of 1972,</b> amendments.....	1321-200	<b>Radio Broadcasting to Cuba Act,</b> amendments.....	798
<b>Peace Corps Act, amendments</b> ....	3009-621	<b>Railroad Unemployment Insurance</b> <b>Act, amendments</b> .....	3161-3165
<b>Persian Gulf War Veterans'</b> <b>Benefits Act, amendments</b> .....	3210	<b>Railroad Unemployment Insurance</b> <b>Amendments Act of 1996</b> .....	3161
<b>Personal Responsibility and Work</b> <b>Opportunity Reconciliation Act</b> <b>of 1996</b> .....	2105	<b>Railway Labor Act, amendments</b> .....	3287
<b>Personal Responsibility and Work</b> <b>Opportunity Reconciliation Act</b> <b>of 1996, amendments</b> ... 3009-255, 3009- 624, 3009-670, 3009-672, 3009-673, 4002		<b>Real Estate Settlement Procedures</b> <b>Act of 1974, amendments</b> .... 3009-399, 3009-400, 3009-401	
<b>Petroglyph National Monument</b> <b>Establishment Act of 1990,</b> amendments.....	4196	<b>Rechargeable Battery Recycling</b> <b>Act</b> .....	1332
<b>Pilot Records Improvement Act of</b> <b>1996</b> .....	3259	<b>Reclamation Projects</b> <b>Authorization and Adjustment</b> <b>Act of 1992, amendments</b> ... 3290, 3294- 3496, 3832	
<b>Plant Variety Protection Act,</b> amendments.....	1186	<b>Reclamation Recycling and Water</b> <b>Conservation Act of 1996</b> .....	3290
<b>PLO Commitments Compliance Act</b> <b>of 1989, amendments</b> .....	760	<b>Reclamation States Emergency</b> <b>Drought Relief Act of 1991,</b> amendments.....	2992
<b>Ponca Restoration Act,</b> amendments.....	765	<b>Refugee Act of 1980,</b> amendments.....	3009-619
<b>Popcorn Promotion, Research, and</b> <b>Consumer Information Act</b> .....	1074	<b>Refugee Education Assistance Act</b> <b>of 1980, amendments</b> .....	3009-619
<b>Portal-to-Portal Act of 1947,</b> amendments.....	1755, 1928	<b>Regional Rail Reorganization Act</b> <b>of 1973, amendments</b> .....	3858
<b>Ports and Waterways Safety Act,</b> amendments.....	3917, 3920, 3934	<b>Rehabilitation Act of 1973,</b> amendments.....	676
<b>Poultry Products Inspection Act,</b> amendments.....	1190	<b>Renewable Resources Extension</b> <b>Act of 1978, amendments</b> .....	1159
<b>Presidential and Executive Office</b> <b>Accountability Act</b> .....	4053	<b>Research Facilities Act,</b> amendments.....	1176
<b>Presidential Protection Assistance</b> <b>Act of 1976, amendments</b> .....	3832	<b>Reserve Forces Revitalization Act</b> <b>of 1996</b> .....	2688
<b>Prison Litigation Reform Act of</b> <b>1995</b> .....	1321-66	<b>Reserve Officer Personnel</b> <b>Management Act,</b> amendments.....	495
<b>Privacy Protection Act of 1980,</b> amendments.....	3009-30	<b>Residential Lead-Based Paint</b> <b>Hazard Reduction Act of 1992,</b> amendments.....	1321-290
<b>Professional Boxing Safety Act of</b> <b>1996</b> .....	3309	<b>Revenue Act of 1978,</b> amendments.....	828, 1766
<b>Propane Education and Research</b> <b>Act of 1996</b> .....	3370	<b>Revenue Reconciliation Act of</b> <b>1990, amendments</b> .....	1868, 1889, 1890
<b>Public and Assisted Housing Drug</b> <b>Elimination Act of 1990,</b> amendments.....	4051	<b>Revenue Reconciliation Act of</b> <b>1993, amendments</b> .....	1759, 1875
<b>Public Building Act of 1959,</b> amendments.....	3009-338	<b>Revised Organic Act of the Virgin</b> <b>Islands, amendments</b> .....	1752

	Page		Page
Revolutionary War and War of 1812 Historic Preservation Study Act of 1996 .....	4172	Securities Exchange Act of 1934, amendments .....	3420, 3422, 3424, 3425, 3441, 3442, 3444, 3447
River and Harbor Act of 1958, amendments .....	3697	Senior Citizens Against Marketing Scams Act of 1994, amendments .....	3508
Rhode Island Indian Claims Settlement Act, amendments .....	3009- 227	Senior Citizens' Right to Work Act of 1996 .....	847
Riegle Community Development and Regulatory Improvement Act of 1994, amendments .....	3009-418	Sentencing Reform Act of 1984, amendments .....	3055, 3056
Rural Air Service Survival Act .....	3249	Shenandoah Valley Battlefields National Historic District and Commission Act of 1996 .....	4174
Rural Development Act of 1972, amendments .....	1138, 1152, 1175, 1180	Shipping Act, 1916, amendments .....	3132, 3970, 3971
Rural Development, Agriculture, and Related Agencies Appropriations Act, 1990, amendments .....	3829	Single Audit Act, amendments .....	1396
Rural Electrification Act of 1936, amendments .....	1149-1151	Single Audit Act Amendments of 1996 .....	1396
Ryan White CARE Act Amendments of 1996 .....	1346	Small Business Act, amendments .....	674, 859, 860, 3009-725, 3009-738, 3009-747
Ryan White Comprehensive AIDS Resources Emergency Act of 1990, amendments .....	1346	Small Business Competitiveness Demonstration Program Act of 1988, amendments .....	3009-733
<b>S</b>		Small Business Guaranteed Credit Enhancement Act of 1993, amendments .....	3009-733
Saccharin Study and Labeling Act, amendments .....	1594	Small Business Investment Act of 1958, amendments .....	3009-734
Saddleback Mountain-Arizona Settlement Act of 1995 .....	50	Small Business Job Protection Act of 1996, amendments .....	1755
Safe Drinking Water Act, amendments .....	1613, 1614	Small Business Programs Improvement Act of 1996 ....	3009-724
Safe Drinking Water Act Amendments of 1996 .....	1613	Small Business Protection Act of 1996 .....	1755
San Carlos Apache Tribe Water Rights Settlement Act of 1992, amendments .....	14, 3176	Small Business Regulatory Enforcement Fairness Act of 1996 .....	857
San Juan Basin Wilderness Protection Act of 1984, amendments .....	4211-4213	Smith-Lever Act, amendments .....	1176
Savings in Construction Act of 1996 .....	3411	Social Security Act, amendments .....	851- 847, 848, 854, 856, 857, 1321-246, 1321-247, 1321-355, 1321-379, 1762, 1820, 1903, 1991, 2112, 2185, 2198, 2218, 2219, 2267, 2277- 2279, 2350, 2351, 2353, 2354, 3009-671, 3009-673, 3031, 3033, 3148, 3298, 3645, 3824, 3835, 4002,
School-To-Work Opportunities Act of 1994, amendments .....	2175	Social Security Act Amendments of 1994, amendments .....	3839
Second Deficiency Act, Fiscal Year 1928, amendments .....	1734	Social Security Amendments of 1967, amendments .....	2171
Second Supplemental Appropriation Act, 1967, amendments .....	1727	Social Security Domestic Employment Reform Act of 1994, amendments .....	1321-379
Second Supplemental Appropriation Act, 1968, amendments .....	1723, 1726	Social Security Independence and Program Improvements Act of 1994, amendments .....	855, 2193
Second Supplemental Appropriations Act, 1978, amendments .....	2397	Soil Conservation and Domestic Allotment Act, amendments .....	1004- 1006
Securities Act of 1933, amendments .....	3417, 3424, 3441, 3447	Soldiers' and Sailors' Civil Relief Act of 1940, amendments .....	501
Securities and Exchange Commission Authorization Act of 1996 .....	3441	Solid Waste Disposal Act, amendments .....	830, 1751, 3009-468

	Page		Page
<b>South Carolina National Heritage Corridor Act of 1996</b> .....	4260	<b>Tax Reform Act of 1986,</b> amendments.....	1803, 1887, 2103
<b>Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990,</b> amendments .....	3304	<b>Taxpayer Bill of Rights 2</b> .....	1452
<b>State Department Basic Authorities Act of 1956,</b> amendments.....	1321-45, 3835	<b>Tea Importation Act,</b> amendments .....	1198
<b>Steel Industry American Heritage Area Act of 1996</b> .....	4252	<b>Technical and Miscellaneous Revenue Act of 1988</b> .....	1886
<b>Stevenson-Wylder Technology Innovation Act of 1980,</b> amendments .....	775	<b>Technology for Education Act of 1994,</b> amendments .....	3009-312
<b>Stewart B. McKinney Homeless Assistance Act,</b> amendments.....	769, 3089, 3344, 3838, 4044	<b>Telecommunications Act of 1996</b> .....	56
<b>Stewart B. McKinney Homeless Assistance Amendments Act of 1988,</b> amendments .....	2171	<b>Telephone Disclosure and Dispute Resolution Act,</b> amendments .....	147
<b>Strategic and Critical Materials Stock Piling Act,</b> amendments .....	509, 630, 2856, 2857	<b>Television Broadcasting to Cuba Act,</b> amendments .....	798
<b>Student Loan Marketing Association Reorganization Act of 1996</b> .....	3009-275	<b>Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986,</b> amendments .....	3089
<b>Suits in Admiralty Act,</b> amendments .....	3967	<b>Third Supplemental Appropriation Act, 1952,</b> amendments .....	1725
<b>Supplemental Appropriation Act, 1967,</b> amendments .....	1733	<b>Third Supplemental Appropriation Act, 1957,</b> amendments .....	1738
<b>Supplemental Appropriations Act, 1971,</b> amendments .....	1725	<b>Thrift Savings Investment Funds Act of 1996</b> .....	3009-372
<b>Supplemental Appropriations Act, 1972,</b> amendments .....	1719, 1726, 1728, 1750	<b>Thrift Savings Plan Act of 1996</b> .....	3009-374
<b>Supplemental Appropriations Act, 1973,</b> amendments .....	1733	<b>Tlingit and Haida Status Clarification Act,</b> amendments .....	765
<b>Supplemental Appropriations Act, 1974,</b> amendments .....	1730, 1731	<b>Tobacco Adjustment Act of 1983,</b> amendments .....	973
<b>Supplemental Appropriations Act, 1975,</b> amendments .....	1725, 1742, 1745	<b>Tourism Policy and Export Promotion Act of 1992,</b> amendments .....	3407
<b>Supplemental Appropriations Act, 1983,</b> amendments .....	1735, 4185	<b>Trade Act of 1974,</b> amendments .....	1917, 3524, 3528, 3529, 3538
<b>Supplemental Appropriations Act, 1985,</b> amendments .....	2172, 2396	<b>Trade Agreements Act of 1979,</b> amendments .....	3528-3530
<b>Supplemental Appropriations Act of 1996</b> .....	1321-311	<b>Trade and Tariff Act of 1984,</b> amendments .....	3548, 3549
<b>Surface Transportation Revenue Act of 1991,</b> amendments .....	1890	<b>Trademark Act of 1946,</b> amendments .....	1388, 1389
<b>Sustainable Fisheries Act</b> .....	3559	<b>Trading with the Enemy Act,</b> amendments .....	793
<b>Swine Health Protection Act,</b> amendments .....	1186	<b>Treasury Department Appropriations Act, 1997</b> .....	3009-314
<b>T</b>		<b>Treasury, Postal Service, and General Government Appropriations Act, 1996,</b> amendments.....	1321-333, 3009-362, 3009-365, 3009-366, 3009-378
<b>Tallgrass Prairie National Preserve Act of 1996</b> .....	4204	<b>Treasury, Postal Service, and General Government Appropriations Act, 1997</b> .....	3009-314
<b>Tariff Act of 1930,</b> amendments .....	1290, 1388, 1389, 3101, 3515, 3516, 3518, 3519, 3521, 3522, 3524, 3526-3528, 3530, 3531, 3535, 3540, 3541, 3832	<b>Trinity River Basin Fish and Wildlife Management Act of 1984,</b> amendments .....	1338, 1341
<b>Tax Equity and Fiscal Responsibility Act of 1982,</b> amendments .....	2171	<b>Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1995</b> .....	1338
		<b>Trust Indenture Act of 1939,</b> amendments .....	3448

	Page		Page
<b>Truth in Lending Act,</b> amendments..... 3009-398, 3009-399, 3009-401, 3009-402, 3009-472, 3009-473		<b>Veterans Health Care Act of 1992,</b> amendments..... 3193, 3197	
<b>Truth in Savings Act,</b> amendments..... 3009-470		<b>Veterans' Health Care Eligibility Reform Act of 1996</b> ..... 3177	
<b>U</b>		<b>Veterans Home Loan Program Amendments of 1992,</b> amendments..... 770	
<b>Unemployment Compensation Amendments of 1976,</b> amendments..... 2171		<b>Veterans' Insurance Reform Act of 1996</b> ..... 3337	
<b>Unemployment Compensation Amendments of 1992,</b> amendments..... 1891		<b>Victims of Child Abuse Act of 1990,</b> amendments..... 3092	
<b>Uniformed Services Employment and Reemployment Rights Act of 1994, amendments</b> ..... 3333, 3336		<b>Victims of Crime Act of 1984,</b> amendments..... 1243-1245, 1247, 1394, 3009-21, 3079	
<b>United States Commemorative Coin Act of 1996</b> ..... 4005		<b>Violence Against Women Act of 1994, amendments</b> ..... 3506	
<b>United States-Hong Kong Policy Act of 1992, amendments</b> ..... 750		<b>Violent Crime Control and Law Enforcement Act of 1994,</b> amendments..... 1273, 1321-14, 1321-22, 1321-70, 1345, 3009-25, 3009-620, 3009- 621, 3009-623, 3009-625, 3009-630, 3009- 721, 3093, 3096, 3097, 3500-3509, 3838	
<b>United States Housing Act of 1937,</b> amendments..... 40-43, 836-838, 1321- 277, 1321-278, 1321-281, 1321-284, 1321- 290, 2267, 2348, 2893, 3837, 4041		<b>Volunteers in the Parks Act of 1969, amendments</b> ..... 4188	
<b>United States-Israel Free Trade Area Implementation Act of 1985, amendments</b> ..... 3058		<b>W</b>	
<b>United States National Tourism Organization Act of 1996</b> ..... 3402		<b>Wagner-Peyser Act, amendments</b> ..... 2173	
<b>Uranium Mill Tailings Radiation Control Act of 1978,</b> amendments..... 3173		<b>Walhalla National Fish Hatchery Conveyance Act</b> ..... 3288	
<b>Urban Park and Recreation Recovery Act of 1978,</b> amendments..... 4196		<b>Walsh-Healey Act, amendments</b> ..... 675	
<b>Uruguay Round Agreements Act,</b> amendments..... 951, 1813, 1928, 3520, 3527-3529		<b>War Claims Act of 1948,</b> amendments..... 3841	
<b>Use of Assisted Housing by Aliens Act of 1996</b> ..... 3009-684		<b>War Crimes Act of 1996</b> ..... 2104	
<b>USEC Privatization Act</b> ..... 1321-335		<b>Washington Metropolitan Area Transit Compact</b> ..... 3884	
<b>USEC Privatization Act,</b> amendments..... 2995		<b>Waste Isolation Pilot Plant Land Withdrawal Act, amendments</b> .... 2851- 2854	
<b>Utah Schools and Lands Improvement Act of 1993,</b> amendments..... 3013		<b>Waste Isolation Pilot Plant Land Withdrawal Amendment Act</b> ..... 2851	
<b>V</b>		<b>Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996,</b> amendments..... 1698	
<b>Vessel Bridge-to-Bridge Radiotelephone Act,</b> amendments..... 3933		<b>Water Desalination Act of 1996</b> ..... 3622	
<b>Veterans' Benefits and Services Act of 1988, amendments</b> ..... 769, 3344		<b>Water Resources Development Act of 1974, amendments</b> ..... 3697	
<b>Veterans' Benefits Improvements Act of 1994, amendments</b> ..... 3341		<b>Water Resources Development Act of 1976, amendments</b> ..... 445	
<b>Veterans' Benefits Improvements Act of 1996</b> ..... 3322		<b>Water Resources Development Act of 1986, amendments</b> ..... 3671-3674, 3677, 3678, 3681, 3703, 3704, 3711, 3717- 3719, 3730, 3757, 3758	
<b>Veterans' Compensation Cost-of- Living Adjustment Act of 1996</b> ..... 3212		<b>Water Resources Development Act of 1988, amendments</b> ..... 3684, 3703, 3713	
		<b>Water Resources Development Act of 1990, amendments</b> ..... 3679, 3704, 3741, 3748, 3763	

	Page		Page
<b>Water Resources Development Act</b>		<b>Whistleblower Protection Act of</b>	
<b>of 1992</b> , amendments.....	3680, 3697,	<b>1989</b> , amendments .....	3009-365
3698, 3700, 3705, 3722, 3723, 3726, 3727,		<b>Wild and Scenic Rivers Act</b> ,	
3746, 3757, 3766, 3779, 3784, 3835		amendments.....	3009-531, 3818, 3823,
<b>Water Resources Development Act</b>			4149, 4151
<b>of 1996</b> .....	3658	<b>Wildfire Suppressing Aircraft</b>	
<b>Water Resources Research Act of</b>		<b>Transfer Act of 1996</b> .....	3811
<b>1984</b> , amendments .....	1375, 1376		
<b>Watershed Protection and Flood</b>			
<b>Prevention Act</b> , amendments .....	1151		
<b>Weapons of Mass Destruction</b>			
<b>Control Act of 1992</b> ,			
amendments.....	489, 490, 2700		
<b>West Virginia National Interest</b>			
<b>River Conservation Act of 1987</b> ,			
amendments .....	4150		

## Y

<b>Yavapai-Prescott Indian Tribe</b>	
<b>Water Rights Settlement Act of</b>	
<b>1994</b> , amendments .....	14
<b>Youth Conservation Corps Act of</b>	
<b>1970</b> , amendments .....	4196

# SUBJECT INDEX

B1

	Page		Page
<b>A</b>		<b>Alaska Natives</b>	
<b>Acquisitions</b>		Study .....	3301
See Contracts		<b>Alejandro, Armondo</b> .....	804
<b>Africa</b>		<b>Alexander, Downing</b> .....	4275
Bank for Economic Cooperation and Development in the Middle East and North Africa Act .....	3009-179	<b>Aliens</b>	
<b>Aged</b>		See Immigration	
Age Discrimination in Employment Amendments of 1996 .....	3009-23	<b>Alpha Phi Alpha Fraternity</b> .....	4157
Senior Citizens' Right to Work Act of 1996 .....	847	<b>Animals</b>	
<b>Agriculture</b>		Animal Drug Availability Act of 1996 .....	3151
Agricultural Market Transition Act .....	896	<b>Appropriations</b>	
Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 1997 .....	1569	Activities	
Alternative Agricultural Research and Commercialization Corporation, establishment .....	1113	Fiscal year 1996 .....	10, 16
America's Agricultural Heritage Partnership, establishment .....	4266	Agriculture, Rural Development, Food and Drug Administration and related agencies, 1997 .....	1569
Canola Rapeseed Research, Promotion, and Consumer Information Act .....	1048	Coast Guard Authorization Act of 1996 .....	3901
Commodity Promotion, Research, and Information Act of 1996 .....	1032	Commerce and related agencies Fiscal year 1996 .....	1321-23
Edward R. Madigan United States Agricultural Export Excellence Award .....	972	Fiscal year 1997 .....	3009-32
Farm Credit System Reform Act of 1996 .....	162	Commerce, Justice, and State, the Judiciary, and related agencies Fiscal year 1996 .....	1321
Federal Agriculture Improvement and Reform Act of 1996 .....	888	Fiscal year 1997 .....	3009
Food Quality Protection Act of 1996 .....	1489, 1513	Congressional operations, 1997 .....	2394
Food Security Commodity Reserve Act of 1996 .....	959	Continuing, 1996 .....	3, 25, 826, 829, 876, 1213
National Kiwifruit Research, Promotion, and Consumer Information Act .....	1064	Defense Department, 1997 .....	3009-71
Popcorn Promotion, Research, and Consumer Information Act .....	1074	District of Columbia	
<b>AIDS</b>		Fiscal year 1996 .....	1321-77
Ryan White CARE Act Amendments of 1996 .....	1346	Fiscal year 1997 .....	2356
<b>Alabama</b>		<b>Education Department</b>	
Carbon Hill National Fish Hatchery Conveyance Act .....	3016	Fiscal year 1996 .....	1321-229
Claude Harris National Aquacultural Research Center, designation .....	1182	Fiscal year 1997 .....	3009-255
Historic Chattahoochee Compact, congressional consent .....	1342	Energy and water development, 1997 .....	2984
Talladega National Forest, boundary expansion .....	3817	Energy policy and conservation programs authorization, extension .....	3810
<b>Alaska</b>		Executive Office, 1997 .....	3009-326
Aleutian World War II National Historic Areas Act of 1996 .....	4165	<b>Federal Communications</b>	
Kenai Natives Association Equity Act Amendments of 1996 .....	4139	Commission, authorization .....	160
		<b>Federal Trade Commission</b>	
		Reauthorization Act of 1996 .....	3019
		Foreign operations, export financing and related programs Fiscal year 1996 .....	704
		Fiscal year 1997 .....	3009-121
		<b>Health and Human Services</b>	
		Department, 1997 .....	3009-242
		Independent agencies, 1997 .....	3009-330
		<b>Intelligence Authorization Act for</b>	
		Fiscal Year 1997 .....	3461
		<b>Interior Department and related</b>	
		agencies	
		Fiscal year 1996 .....	1321-156
		Fiscal year 1997 .....	3009-181
		<b>Judiciary</b>	
		Fiscal year 1996 .....	1321-32
		Fiscal year 1997 .....	3009-42
		Justice Department, 1997 .....	3009

	Page		Page
<b>Appropriations—Continued</b>		David H. Pryor Post Office Building, designation.....	3299
Labor Department		Hydroelectric projects deadlines, extension.....	3141
Fiscal year 1996.....	1321-211	Judge Isaac C. Parker Federal Building, designation .....	1324
Fiscal year 1997.....	3009-233	Stuttgart National Aquacultural Research Center, designation .....	1181
Labor, Health and Human Services, and Education, and related agencies		<b>Armed Forces</b>	
Fiscal year 1996.....	1321-211	<i>See also</i> National Defense	
Fiscal year 1997.....	3009-233	Department of Defense Civilian	
Legislative Branch, 1997.....	2394	Intelligence Personnel Policy Act of 1996.....	2745
Line Item Veto Act .....	1200	El Centro Naval Air Facility Ranges Withdrawal Act.....	2813
Military construction, 1997.....	2385	Fort-Carson Pinon Canyon Military Lands Withdrawal Act.....	2807
Military Construction Authorization Act for Fiscal Year 1997.....	2763	Military Construction Appropriations Act, 1997 .....	2385
Mining and mineral resources research, authorization .....	3819	Military Construction Authorization Act for Fiscal Year 1997.....	2763
National Defense Authorization Act for Fiscal Year 1996 .....	186	Military Force Structure Review Act of 1996.....	2623
National Defense Authorization Act for Fiscal Year 1997 .....	2422	Military Justice Amendments of 1995.....	461
National Historical Publications and Records Commission, authorization .....	3321	National Defense Authorization Act for Fiscal Year 1996 .....	186
National Transportation Safety Board Amendments of 1996 .....	3452	Naval vessels, transfer .....	1421
Office of Government Ethics Authorization Act of 1996.....	1566	Reserve Forces Revitalization Act of 1996.....	3688
Omnibus Consolidated Appropriations Act, 1997 .....	3009	Tax benefits for hazardous duty pay.....	827
Omnibus Consolidated Rescissions and Appropriations Act of 1996.....	1321	Water Resources Development Act of 1996.....	3658
Corrections .....	1327	Wildfire Suppressing Aircraft Transfer Act of 1996 .....	3811
Securities and Exchange Commission Authorization Act of 1996.....	3441	<b>Arms and Munitions</b>	
State Department, 1996 .....	1321-36	Ballistic Missile Defense Act of 1995.....	228
State Department and related agencies		Combating Proliferation of Weapons of Mass Destruction Act of 1996.....	3470
Fiscal year 1996.....	1321-36	Corporation for the Promotion of Rifle Practice and Firearms Safety Act .....	515
Fiscal year 1997.....	3009-46	Domestic violence gun ban .....	3009-371
Supplemental, 1996 ....	1321-311, 3009-119	<b>Arson</b>	
The Balanced Budget Downpayment Act, I.....	26	<i>See</i> Law Enforcement and Crime	
Transportation Department and related agencies, 1997 .....	2951	<b>Audits</b>	
Treasury Department, 1997.....	3009-314	Single Audit Act Amendments of 1996.....	1396
Treasury, Postal Service, and general Government, 1997 .....	3009-314	<b>Automobiles</b>	
Veterans Affairs and Housing and Urban Development, and independent agencies		<i>See</i> Motor Vehicles	
Fiscal year 1996.....	1321-257	<b>Aviation</b>	
Fiscal year 1997.....	2874	<i>See</i> Transportation	
Water research, authorization .....	1375	<b>Awards, Decorations, Medals, Etc.</b>	
<b>Arizona</b>		Edward R. Madigan United States Agricultural Export Excellence Award.....	972
Navajo-Hopi Land Dispute Settlement Act of 1996.....	3649	National Defense Authorization Act for Fiscal Year 1996 .....	309
Saddleback Mountain-Arizona Settlement Act of 1995.....	50	Ruth and Billy Graham, congressional gold medal .....	772
<b>Arkansas</b>			
Dale Bumpers Small Farms Research Center, designation .....	1196		

# SUBJECT INDEX

B3

	Page		Page
<b>B</b>			
<b>Banks and Banking</b>		<b>Kaloko-Honokohua Advisory</b>	
Asset Conservation, Lender Liability, and Deposit Insurance Protection Act of 1996.....	3009-462	Commission, extension.....	4154
Consumer Credit Reporting Reform Act of 1996.....	3009-426	Mississippi River Commission, jurisdiction, extension.....	3764
Deposit Insurance Funds Act of 1996.....	3009-479	National Agricultural Research, Extension, Education, and Economics Advisory Board, establishment.....	1156
Economic Growth and Regulatory Paperwork Reduction Act of 1996.....	3009-394	National Canola and Rapeseed Board, establishment.....	1051
<b>Batteries</b>		National Civil Aviation Review Commission.....	3241
Mercury-Containing Battery Management Act.....	1336	National Commission on Libraries and Information Science, functions and membership....	3009-306
Mercury-Containing and Rechargeable Battery Management Act.....	1329	National Commission on Restructuring the Internal Revenue Service, membership increase.....	1321-333
Rechargeable Battery Recycling Act.....	1332	National Film Preservation Board, establishment.....	3378
<b>Benchmark Rail Group</b>		National Gambling Impact Study Commission, establishment.....	1482
<b>Boards, Commissions, Councils</b>		National Historical Publications and Records Commission, appropriations authorization.....	3321
Advisory Commission on Intergovernmental Relations, continuance.....	4004	National Kiwifruit Board, establishment.....	1066
Agricultural Science and Technology Review Board, establishment.....	1172	National Museum Services Board, establishment.....	3009-304
Animal Health Science Research Advisory Board, establishment.....	1172	National Ocean Research Leadership Council, establishment.....	2470
Blackstone River Valley National Heritage Corridor Commission, extension.....	4202	National Security Council Committee on Nonproliferation, establishment.....	2727
Board of Tea Experts, termination.....	1198	Navy Housing Investment Board, termination.....	552
Cache La Poudre Corridor Commission, establishment.....	3891	Northern Great Plains Rural Development Commission, extension.....	4003
Commission on 21st Century Production Agriculture.....	938	Panama Canal Commission Authorization Act for Fiscal Year 1996.....	637, 2859
Commission on Consensus Reform in the District of Columbia Public Schools, establishment.....	1321-151	Parent Boards, establishment.....	334
Commission on Maintaining United States Nuclear Weapons Expertise, establishment.....	2843	Popcorn Board, establishment.....	1077
Commission on Servicemembers and Veterans Transition Assistance, establishment.....	3346	Public Charter School Board, DC, establishment.....	1321-132
Commission on the Advancement of Federal Law Enforcement, establishment.....	1305	Science Review Board, establishment.....	1490
Commission to Assess the Ballistic Missile Threat to the United States, establishment.....	2711	Securities and Exchange Commission Authorization Act of 1996.....	3441
Defense Programs Management Council, establishment.....	2834	Tourism Policy Council, establishment.....	3408
District Education and Learning Technologies Advancement Council, DC, established.....	1321-145	United States National Tourism Organization Board, establishment.....	3404
Joint Requirements Oversight Council, establishment.....	403	<b>Boorda, Jeremy M.</b> .....	
		<b>Boxing</b>	
		Professional Boxing Safety Act of 1996.....	3309
		<b>Brady, Jennifer Christine</b> .....	
		<b>Bridges</b>	
		Bill Emerson Memorial Bridge, MO and IL, designation.....	1391

	Page		Page
<b>Brothers to the Rescue</b> .....	804	Defense of Marriage Act .....	2419
<b>Brown, Ronald H.</b> .....	4517	Healthy Meals for Children Act.....	1379
<b>Budget</b>		National Children's Island Act of	
Omnibus Consolidated Rescissions		1995 .....	1416
and Appropriations Act of		Newborns' and Mothers' Health	
1996 .....	1231	Protection Act of 1996 .....	2935
The Balanced Budget Downpayment		Personal Responsibility and Work	
Act, I .....	26	Opportunity Reconciliation Act of	
<b>Bulgaria</b>		1996 .....	2105
Most-favored-nation status .....	1414	<b>Churches</b>	
<b>Bush, George</b> .....	492	<i>See</i> Religion	
<b>Business and Industry</b>		<b>Civil Rights</b>	
National Technology Transfer and		Age Discrimination in Employment	
Advancement Act of 1995 .....	775	Amendments of 1996 .....	3009-23
<b>C</b>		<b>Clinton, William</b> .....	2671
<b>California</b>		<b>Coal</b>	
California Bay-Delta Environmental		<i>See</i> Minerals and Mining	
Enhancement and Water Security		<b>Coast Guard</b>	
Act .....	3009-748	Coast Guard Authorization Act of	
El Centro Naval Air Facility Ranges		1996 .....	3901
Withdrawal Act .....	2813	Coast Guard Regulatory Reform Act of	
Frank Hagel Federal Building,		1996 .....	3927
designation .....	762	<b>Coins</b>	
National AIDS Memorial Grove,		<i>See</i> Currency	
designation .....	4171	<b>Cole, Thomas</b> .....	4275
Robert J. Lagomarsino Visitor Center,		<b>Colorado</b>	
designation .....	4189	Cache La Poudre River Corridor	
Trinity River Basin Fish and Wildlife		Act .....	3889
Management Reauthorization Act		Land exchange .....	1406
of 1995 .....	1338	<b>Commerce and Trade</b>	
Vincent E. McKelvey Federal		Bulgaria, most-favored-nation status,	
Building, designation .....	1326	extension .....	1414
<b>Cambodia</b>		Cambodia, most-favored-nation	
Most-favored-nation status,		status, extension .....	2872
extension .....	2872	Economic Espionage Act of 1996 .....	3488
<b>Canals</b>		Federal Trade Commission	
<i>See</i> Water		Reauthorization Act of 1996 .....	3019
<b>Carjacking</b>		Miscellaneous Trade and Technical	
<i>See</i> Law Enforcement and Crime		Corrections Act of 1996 .....	3514
<b>Cars</b>		Romania, most-favored-nation status,	
<i>See</i> Motor Vehicles		extension .....	1539
<b>Castro, Fidel</b> .....	787	<b>Communications</b>	
<b>Chemicals</b>		Communications Decency Act of	
Mercury-Containing Battery		1996 .....	133
Management Act .....	1336	Telecommunications Act of 1996 .....	56
Mercury-Containing and		<b>Compacts</b>	
Rechargeable Battery		Emergency Management Assistance	
Management Act .....	1329	Compact .....	3877
<b>Children, Youth, and Families</b>		Historic Chattahoochee Compact,	
Amber Hagerman Child Protection		congressional consent .....	1342
Act of 1996 .....	3009-31	Jennings Randolph Lake Project	
Child Abuse Prevention and		Compact .....	1557
Treatment Act Amendments of		Missouri-Illinois Compact, Bi-State	
1996 .....	3063	Development Agency .....	883
Child Care Development Block Grant		Mutual Aid Agreement .....	1609
Amendments of 1996 .....	2278	Northeast Interstate Dairy	
Child labor, scrap paper and paper box		Compact .....	919
compactors .....	1553	Vermont-New Hampshire Interstate	
Child Pilot Safety Act .....	3263	Public Water Supply	
Child Pornography Prevention Act of		Compact .....	884
1996 .....	3009-26	<b>Computers</b>	
		<i>See</i> Science and Technology	

# SUBJECT INDEX

B5

	Page		Page
<b>Concillio Cubano</b> .....	804	Congressional gold medals	
<b>Concurrent Resolutions</b>		Ruth and Billy Graham .....	772
Adjournment..... 4292, 4295, 4433, 4484,		Enrolled bills, parchment printing,	
4485, 4495		waiver.....	3008
Capitol buildings and grounds		House of Representatives	
Congressional gold medal		Administrative Reform Technical	
presentation .....	4293	Corrections Act .....	1718
National Peace Officers' Memorial		One Hundred Fifth Congress,	
Service .....	4294	convening .....	3558
Olympic torch relays..... 4293, 4433		<b>Connecticut</b>	
Portrait monument, relocation .....	4492	Northeast Interstate Dairy	
Presidential inauguration..... 4487		Compact .....	919
Soap box derby races .....	4482	<b>Conservation</b>	
Washington for Jesus 1996 Prayer		<i>See also</i> Environmental Protection	
Rally .....	4432	Coastal Zone Protection Act of	
Continuing resolution, transmittal		1996 .....	1380
procedures.....	4291	Elkhorn Creek, OR, wild and scenic	
Enrolled bills, corrections		river designation.....	3009-531
Antarctic Science, Tourism, and		Greens Creek Land Exchange Act of	
Conservation Act of 1996 .....	4487	1995 .....	879
Antiterrorism and Effective Death		Illinois Land Conservation Act of	
Penalty Act of 1996 .....	4430	1995 .....	594
Coast Guard Authorization Act of		Mount Pleasant National Scenic Area,	
1996 .....	4494	VA, designation.....	1187
Federal Agriculture Improvement		National Natural Resources	
and Reform Act of 1996 .....	4294	Conservation Foundation Act .....	1010
Health Insurance Portability and		Oregon Resource Conservation Act of	
Accountability Act of 1996 .....	4486	1996 .....	3009-523
National Transportation Safety		<b>Consumer Affairs and Protection</b>	
Board authorization, fiscal		Anticounterfeiting Consumer	
years 1997-1999 .....	4494	Protection Act of 1996.....	1386
Federal Budget, fiscal year 1997 .....	4434	Asset Conservation, Lender Liability,	
Federal service labor-management		and Deposit Insurance Protection	
relations, regulations .....	4493	Act of 1996.....	3009-462
Iranian Baha'i community,		Consumer Credit Reporting Reform	
emancipation .....	4483	Act of 1996.....	3009-426
Joint Session .....	4292	Credit Repair Organizations Act.....	3009-455
Livestock producers, disaster		Telecommunications Act of 1996.....	56
assistance.....	4434	<b>Contracts</b>	
Martin Pang, extradition.....	4490	Agricultural Market Transition	
Office of Compliance, regulations.....	4292, 4295	Act .....	896
Olympics		Central Utah Water Conservancy	
torch relays .....	4293, 4433	District, prepayment .....	3387
Presidential inauguration		Contract with America Advancement	
Capitol rotunda, authorization .....	4487	Act of 1996.....	847
Joint Congressional Committee.....	4486	Federal Acquisition Reform Act of	
Publications, printing		1996 .....	642
"Vice Presidents of the United		Federal Agriculture Improvement and	
States, 1789-1993" .....	4491	Reform Act .....	888
Commission on Protecting and		Federal Financial Management	
Reducing Government Secrecy		Improvement Act of 1996 .....	3009-389
Report .....	4491	Fort Peck Rural County Water Supply	
Republic of Sierre Leone, multiparty		System Act of 1996.....	3646
elections .....	4485	General Accounting Office Act of	
Ukraine, independence and		1996 .....	3826
sovereignty.....	4487	Impact aid program, Federal	
<b>Congress</b>		acquisition payments.....	2379
1996 Electoral vote count.....	3558	Irrigation Project Contract Extension	
Bill Emerson Hall, designation ....	3009-511	Act of 1996.....	4000
Capitol Guide Service, voluntary		<b>Copyrights</b>	
services, authorization .....	3358	<i>See</i> Patents and Trademarks	

	Page		Page
<b>Costa, Carlos</b> .....	804	<b>District of Columbia</b>	
<b>Courts</b>		Black Patriots Memorial,	
Federal court cases, removal		extension .....	4155
procedures.....	3022	Commission on Consensus Reform in	
Federal Courts Improvement Act of		the District of Columbia Public	
1996.....	3847	Schools, establishment .....	1321-151
Mandatory Victims Restitution Act of		Continuing appropriations, 1996 .....	3
1996.....	1227	District Education and Learning	
Prison Litigation Reform Act of		Technologies Advancement	
1995.....	1321-66	Council, establishment .....	1321-145
Pueblo of Isleta Indian tribe, land		District Employment and Learning	
claims, jurisdiction .....	2418	Center .....	1321-146
Removal Court, establishment.....	1259	District of Columbia Appropriations	
Senior circuit judges, in banc		Act, 1996 .....	1321-77
hearings, participation .....	1556	District of Columbia Appropriations	
Supreme Court marshal and police		Act, 1997 .....	2356
authority, extension .....	3359	District of Columbia School Reform	
Venue provisions, repeal.....	3023	Act of 1995 .....	1321-107
Witnesses and juries, retaliation and		District of Columbia Water and Sewer	
tampering, increased		Authority Act of 1996.....	1696
penalties.....	3017	E. Barrett Prettyman United States	
<b>Credit</b>		Courthouse, designation .....	1383
See Loans		Edmund S. Muskie Foundation,	
<b>Crime</b>		establishment .....	3868
See Law Enforcement and Crime		Japanese American Patriotism	
<b>Cuba</b>		Memorial, establishment .....	4165
Cuban Liberty and Democratic		Martin Luther King, Jr. Memorial,	
Solidarity (LIBERTAD) Act of		establishment .....	4157
1996.....	785	Metropolitan Washington Airports	
<b>Currency</b>		Amendments Act of 1996.....	3274
50 States Commemorative Coin		National Children's Island Act of	
Program Act.....	4012	1995 .....	1416
United States Commemorative Coin		Public Charter School Board,	
Act of 1996.....	4005	establishment .....	1321-132
		Washington Metropolitan Area	
		Transit Regulation Compact	
		Amendments, consent .....	3884
		<b>Domestic Violence</b>	
		See Law Enforcement and Crime	
		<b>Drought</b>	
		See Disaster Assistance	
		<b>Drugs and Drug Abuse</b>	
		Animal Drug Availability Act of	
		1996 .....	3151
		Comprehensive Methamphetamine	
		Control Act of 1996 .....	3099
		Drug-Induced Rape Prevention and	
		Punishment Act of 1996.....	3807
		FDA Export Reform and	
		Enhancement Act of 1996.....	1321-313
		Saccharin notice requirement,	
		repealed.....	882
		<b>E</b>	
		<b>Education</b>	
		District of Columbia School Reform	
		Act of 1996 .....	1321-107
		Federal Law Enforcement Dependent	
		Assistance Act of 1996 .....	3114
		George Bush School of Government	
		and Public Service Act .....	3867

# SUBJECT INDEX

B7

	Page		Page
Historically Black Graduate Professional Schools, grant renewal limitation, elimination.....	1328	Land Disposal Program Flexibility Act of 1996 .....	830
Impact aid program, Federal acquisition payments.....	2379	Mercury-Containing and Rechargeable Battery Management Act.....	1329
Schools		National Invasive Species Act of 1996 .....	4073
Healthy Meals for Children Act.....	1379	Safe Drinking Water Act of 1996 .....	1613
Student Loan Marketing Association Reorganization Act of 1996....	3009-275	Traffic signal synchronization projects, exemption.....	3175
<b>Emerson, Jo Ann</b> .....	2417	Waste Isolation Pilot Plant Land Withdrawal Amendment Act .....	2851
<b>Employment and Labor</b>		<b>Ethics</b>	
Administrative Dispute Resolution Act of 1996.....	3870	Office of Government Ethics Authorization Act of 1996.....	1566
Age Discrimination in Employment Amendments of 1996 .....	3009-23	<b>Exports and Imports</b>	
Child labor, scrap paper balers and paper box compactors .....	1553	<i>See also</i> Commerce and Trade	
Federal Employee Representation Improvement Act of 1996 .....	1563	FDA Export Reform and Enhancement Act of 1996.....	1321-313
National Aeronautics and Space Administration Federal Employment Reduction Assistance Act of 1996 .....	2931	Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996.....	704
Personal Responsibility and Work Opportunity Reconciliation Act of 1996.....	2105	Miscellaneous Trade and Technical Corrections Act of 1996.....	3514
Railroad Unemployment Insurance Amendments Act of 1996.....	3161	<b>Exxon Valdez</b> .....	4139
<b>Energy</b>		<b>F</b>	
Energy policy and conservation programs authorization, extension .....	3810	<b>Farms</b>	
Federal oil and gas royalty management, technical corrections.....	2421	<i>See</i> Agriculture	
Federal Oil and Gas Royalty Simplification and Fairness Act of 1996.....	1700	<b>Federal Buildings and Facilities</b>	
Helium Privatization Act of 1996 .....	3315	Amos F. Longoria Post Office Building, TX, designation.....	3169
Hydroelectric projects and licenses... 1552, 3141-3147, 3150, 3166, 3168, 3170-3172		Charles A. Hayes Post Office Building, IL, designation .....	1411
Hydrogen Future Act of 1996 .....	3304	Claude Harris National Aquacultural Research Center, AL, designation.....	1182
Uranium radiation control, authorization, extension.....	3173	Dale Bumpers Small Farms Research Center, AR, designation .....	1196
USEC Privatization Act.....	1321-335	David H. Pryor Post Office Building, AR, designation.....	3299
<b>Enrolled Bills</b>		David J. Wheeler Federal Building, OR, designation .....	49
<i>See</i> Congress		District Employment and Learning Center, DC, establishment....	1321-146
<b>Environmental Protection</b>		E. Barret Prettyman United States Courthouse, DC, designation .....	1383
Accountable Pipeline Safety and Partnership Act of 1996.....	3793	Edward Madigan Post Office Building, IL, designation .....	1405
Antarctic Science, Tourism, and Conservation Act of 1996.....	3034	Frank Hagel Federal Building, CA, designation.....	762
Bisti/De-Na-Zin Wilderness Expansion and Fossil Forest Protection Act .....	4211	G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center, MS, designation .....	2871
California Bay-Delta Environmental Enhancement and Water Security Act .....	3009-748	Range, MS, designation .....	2806
Indian Environmental General Assistance Program, reauthorization .....	3057	Harry Kizirian Post Office Building, RI, designation.....	48
		James H. Quillen Department of Veterans Affairs Medical Center, TN, designation .....	3209

	Page		Page
<b>Federal Buildings and Facilities—</b>		<b>Films</b>	
Continued		“Fragile Ring of Life”,	
James Lawrence King Federal Justice		distribution .....	1413
Building, FL, designation .....	1322	National Film Preservation Act of	
Jonathan M. Wainwright Memorial		1996 .....	3377
VA Medical Center, WA,		National Film Preservation	
designation .....	1321–265	Foundation Act .....	3382
Joshua Lawrence Chamberlain Post		<b>Fires and Fire Prevention</b>	
Office Building, ME,		Wildfire Suppressing Aircraft	
designation .....	3360	Transfer Act of 1996 .....	3811
Judge Isaac C. Parker Federal		<b>Fish and Wildlife</b>	
Building, AR, designation .....	1324	Carbon Hill National Fish Hatchery	
L. Clure Morton United States Post		Conveyance Act .....	3016
Office and Courthouse, TN,		Crawford National Fish Hatchery	
designation .....	3354	Conveyance Act .....	3018
Mark O. Hatfield United States		Fisheries Financing Act .....	3615
Courthouse, OR, designation .....	3009–362, 3024	National Marine Fisheries Service	
Max Rosenn United States		Laboratory, MA, conveyance .....	7
Courthouse, PA, designation .....	774	National Marine Sanctuaries	
Michael O’Callaghan Military		Preservation Act .....	3363
Hospital, NV, designation .....	2806	Neal Smith Prairie Wildlife Learning	
National Maritime Center, VA,		Center, IA, designation .....	2986
designation .....	460	Stellwagen Bank National Marine	
National Sheep Industry		Sanctuary, designation .....	3369
Improvement Center,		Sustainable Fisheries Act .....	3559
establishment .....	1132	Trinity River Basin Fish and Wildlife	
Red Meat Safety Research Center,		Management Reauthorization Act	
establishment .....	1169	of 1995 .....	1338
Robert J. Lagojmarsino Visitor		Walhalla National Fish Hatchery	
Center, CA, designation .....	3009–204	Conveyance Act .....	3288
Roger P. McAuliffe Post Office, IL,		Wyoming facility, property	
designation .....	1931	conveyance .....	3352
Roman L. Hruska Federal Building		<b>Florida</b>	
and United States		Emergency Management Assistance	
Courthouse .....	3046	Compact, congressional	
Rose Y. Caracappa United States Post		consent .....	3877
Office Building, NY,		James Lawrence King Federal Justice	
designation .....	1754	Building, designation .....	1322
Sam M. Gibbons United States		Sam M. Gibbons United States	
Courthouse .....	3047	Courthouse, designation .....	3047
Sammy L. Davis Federal Building,		Wekiva River, wild and scenic rivers,	
MO, designation .....	3045	designation and study .....	3818
Savings in Construction Act of		<b>Food</b>	
1996 .....	3411	See Agriculture	
Stuttgart National Aquaculture		<b>Food Donations</b>	
Research Center, AR,		See Nonprofit Organizations	
designation .....	1181	<b>Foreign Relations</b>	
Thomas D. Lambros Federal Building		Antiterrorism and Effective Death	
and United States Courthouse,		Penalty Act of 1996 .....	1214
OH, designation .....	1323	Bank for Economic Cooperation and	
Timothy C. McCaghren Customs		Development in the Middle East	
Administrative Building, TX,		and North Africa Act .....	3009–179
designation .....	1325, 3009–711	Claiborne Pell Institute for	
Veach-Baley Federal Complex, NC,		International Relations and	
designation .....	3032	Public Policy Act .....	3867
Vincent E. McKelvey Federal		Cuban Liberty and Democratic	
Building, CA, designation .....	1326	Solidarity (LIBERTAD) Act of	
William J. Nealon Federal Building		1996 .....	785
and United States Courthouse,		Foreign Operations, Export	
PA, designation .....	1412	Financing, and Related Programs	
		Appropriations Act, 1996 .....	704
		Human Rights, Refugee, and Other	
		Foreign Relations Provisions Act	
		of 1996 .....	3864

# SUBJECT INDEX

B9

	Page
Iran and Libya Sanctions Act of 1996.....	1541
Middle East Peace Facilitation Act of 1995.....	755
NATO Enlargement Facilitation Act of 1996.....	3009-173
<b>Forests and Forest Products</b>	
Bisti/De-Na-Zin Wilderness Expansion and Fossil Forest Protection Act.....	4211
Coquille Tribal Forest, OR, designation.....	3009-537
<b>Foundations</b>	
See Nonprofit organizations	
<b>G</b>	
<b>Gambling</b>	
National Gambling Impact Study Commission Act.....	1482
<b>Gas</b>	
See Petroleum and Petroleum Products	
<b>Georgia</b>	
Augusta Canal National Heritage Area, designation.....	4249
Emergency Management Assistance Compact, congressional consent.....	3877
Historic Chattahoochee Compact, congressional consent.....	1342
<b>Government Employees</b>	
Administrative Dispute Resolution Act of 1996.....	3870
Contracting or trading with Indians, repeal.....	1565
Federal Employee Representation Improvement Act of 1996.....	1563
Federal Employee Travel Reform Act of 1996.....	2752
Presidential and Executive Office Accountability Act.....	4053
Thrift Savings Investment Funds Act of 1996.....	3009-372
Thrift Savings Plan Act of 1996....	3009-374
<b>Government Organization</b>	
Agency for International Development, voluntary separation incentive payments.....	1932
Alternative Agricultural Research and Commercialization Corporation, establishment.....	1113
Defense Advanced Research Projects Agency, designation.....	406
Federal Financial Management Improvement Act of 1996.....	3009-389
General Accounting Office Act of 1996.....	3826
National Imagery and Mapping Agency.....	2677
Office for Missing Personnel, establishment.....	336

	Page
Office of Civil-Military Programs, termination.....	356
Office of Family Policy, establishment.....	330
Office of Government Ethics Authorization Act of 1996.....	1566
Office of Risk Management.....	945
<b>Graham, Billy</b> .....	772, 4293
<b>Graham, Ruth</b> .....	772, 4293
<b>Grants</b>	
Calvin Coolidge Memorial Foundation Grant.....	3868
Child Abuse Prevention and Treatment Act Amendments of 1996.....	3063
Child Care Development Block Grant Amendments of 1996.....	2278
Claiborne Pell Institute for International Relations and Public Policy Act.....	3867
Edmund S. Muskie Foundation, DC, establishment.....	3868
Historically Black Graduate Professional Schools, grant renewal limitation, elimination.....	1328
Native American Housing Assistance and Self-Determination Act of 1996.....	4016
Personal Responsibility and Work Opportunity Reconciliation Act of 1996.....	2105
<b>Greater Washington Soap Box Derby Association</b> .....	4482
<b>Guns</b>	
See Arms and Munitions	
<b>H</b>	
<b>Handicapped</b>	
Developmental Disabilities Assistance Bill of Rights Act Amendments of 1996.....	1694
<b>Hashimoto, Ryutaro</b> .....	2671
<b>Hawaii</b>	
Oahu National Wildlife Refuge Complex, land acquisition.....	3010
<b>Hazardous Substances</b>	
See Safety	
<b>Health and Health Care</b>	
Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1996.....	1694
Health Centers Consolidation Act of 1996.....	3626
Health Insurance Portability and Accountability Act of 1996.....	1936
Healthy Meals for Children Act.....	1379
Indian Health Care Improvement Technical Corrections Act of 1996.....	3820
Medical device reporting requirement, repeal.....	3031

	Page		Page
<b>Health and Health Care—Continued</b>		Revolutionary War and War of 1812	
Medicare and Medicaid		Historic Preservation Study Act of 1996 .....	4172
Data bank, repeal .....	3033	Shenandoah Valley Battlefields National Historic District and Commission Act of 1996.....	4174
Enrollment composition rule, certain managed care organizations, waiver.....	3298	Smithsonian Institution National Air and Space Museum Dulles Center, VA, construction authorization .....	3025
Nonresident beneficiaries, county health organizations, enrollment .....	3140	South Carolina National Heritage Corridor Act of 1996.....	4260
Nursing facilities, resident review requirements .....	3824	Steel Industry American Heritage Area Act of 1996 .....	4252
Physicians' services, technical corrections .....	3148	Tennessee Civil War Heritage Area, designation.....	4245
Mental Health Parity Act of 1996 .....	2944	United States Civil War Center, LA, designation.....	4171
Newborns' and Mothers' Health Protection Act of 1996.....	2935	Vancouver National Historic Reserve, WA, establishment .....	4154
Nurses and Nursing		Women's Rights National Historical Park, NY, establishment .....	4155
Nonimmigrant nurses, authorized period of stay, extension.....	3656	<b>Housing</b>	
Nursing facilities, resident review requirements .....	3824	Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997.....	2874
Ryan White CARE Act Amendments of 1996 .....	1346	Housing Opportunity Program Extension Act of 1996 .....	834
Traumatic brain injury prevention studies and programs .....	1445	Native American Housing Assistance and Self-Determination Act of 1996 .....	4016
<b>Helium</b>		Use of Assisted Housing by Aliens Act of 1996 .....	3009-684
See Energy		<b>Human Rights</b>	
<b>Historic Preservation</b>		Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 .....	3864
"Fragile Ring of Life", film distribution .....	1413	<b>Hydrogen</b>	
1862 Civil War Siege and Battle of Corinth Interpretive Center, MS, establishment .....	4171	See Energy	
Aleutian World War II National Historic Areas Act of 1996 .....	4165	I	
American Battlefield Protection Act of 1996 .....	4173	<b>Illinois</b>	
Augusta Canal National Heritage Area, GA, designation.....	4249	Bi-State Development Agency, additional powers .....	883
Essex National Heritage Area, MA, establishment .....	4257	Bill Emerson Memorial Bridge, designation.....	1391
Great Falls Historic District, NJ, establishment .....	4158	Charles A. Hayes Post Office Building, designation.....	1411
Museum and Library Services Act of 1996 .....	3009-293	Edward Madigan Post Office Building, designation.....	1405
National Coal Heritage Area Act of 1996 .....	4243	Hydroelectric project deadline, extension .....	3166
National Film Preservation Act of 1996 .....	3377	Illinois Land Conservation Act of 1995.....	594
National Film Preservation Foundation Act .....	3382	Midewin National Tallgrass Prairie, establishment .....	599
National Museum of the American Indian Act Amendments of 1996 .....	3355	Roger P. McAuliffe Post Office, designation.....	1931
New Bedford Whaling National Historical Park, MA, establishment .....	4160	<b>Immigration</b>	
Nicodemus National Historic Site, KS, establishment .....	4163	Antiterrorism and Effective Death Penalty Act of 1996 .....	1214
Ohio & Erie Canal National Heritage Corridor Act of 1996.....	4267		

# SUBJECT INDEX

B11

	Page
Illegal Immigration Reform and Immigrant Responsibility Act of 1996.....	3009-546
Nonimmigrant nurses, authorized period of stay, extension .....	3656
Use of Assisted Housing by Aliens Act of 1996 .....	3009-684
<b>Indians</b>	
<i>See</i> Native Americans	
<b>Insurance</b>	
Asset Conservation, Lender Liability, and Deposit Insurance Protection Act of 1996.....	3009-462
Deposit Insurance Funds Act of 1996.....	3009-479
Railroad Unemployment Insurance Amendments Act of 1996.....	3161
Veterans' Insurance Reform Act of 1996.....	3337
<b>Intergovernmental Relations</b>	
Telecommunications Act of 1996.....	56
<b>Investments</b>	
<i>See</i> Securities	
<b>Iowa</b>	
Crow Creek Sioux Tribe Infrastructure Development Fund Act of 1996.....	3026
Neal Smith Bike Trail, designation .....	2986
Prairie Wildlife Learning Center, designation.....	2986
<b>Iran</b>	
Iran and Libya Sanctions Act of 1996.....	1541
<b>Israel</b>	
Bank for Economic Cooperation and Development in the Middle East and North Africa Act.....	3009-179
Middle East Peace Facilitation Act of 1995.....	755
U.S.-Israel free trade benefits, additional authority .....	3058
<b>J</b>	
<b>Jackson, Andrew</b> .....	4275
<b>K</b>	
<b>Kansas</b>	
Irrigation Project Contract Extension Act of 1996.....	4000
Nicodemus National Historic Site, establishment .....	4163
Tallgrass Prairie National Preserve Act of 1996.....	4204
<b>Kennecott Corporation</b> .....	881
<b>Kennecott Greens Creek Mining Company, Inc.</b> .....	879
<b>Kentucky</b>	
Hydroelectric project deadline, extension .....	3150, 3172

	Page
<b>King, Martin Luther, Jr.</b> .....	4499
<b>L</b>	
<b>Lakes</b>	
<i>See</i> Water	
<b>Law Enforcement and Crime</b>	
Amber Hagerman Child Protection Act of 1996.....	3009-31
Anti-Car Theft Improvements Act of 1996.....	1384
Anticounterfeiting Consumer Protection Act of 1996.....	1386
Antiterrorism and Effective Death Penalty Act of 1996.....	1214
Carjacking Correction Act of 1996.....	3020
Child Abuse Prevention and Treatment Act Amendments of 1996.....	3063
Child Pornography Prevention Act of 1996.....	3009-26
Church Arson Prevention Act of 1996.....	1392
Comprehensive Methamphetamine Control Act of 1996 .....	3099
Domestic violence gun ban .....	3009-371
Economic Espionage Act of 1996 .....	3488
False Statements Accountability Act of 1996 .....	3459
Federal Law Enforcement Dependents Assistance Act of 1996 .....	3114
Nazi war crimes, disclosure.....	3815
Pam Lychner Sexual Offender Tracking and Identification Act of 1996.....	3093
Parole Commission Phaseout Act of 1996.....	3055
Prison Litigation Reform Act of 1995.....	1321-66
Sexual Assaults	
Drug-Induced Rape Prevention and Punishment Act of 1996 .....	3807
Megan's Law .....	1345
Supreme Court marshal and police authority, extension .....	3359
War Crimes Act of 1996 .....	2104
Witnesses and juries, retaliation and tampering, increased penalties.....	3017
<b>Libraries</b>	
Museum and Library Services Act of 1996.....	3009-293
<b>Libya</b>	
Iran and Libya Sanctions Act .....	1541
<b>Line Item Veto</b>	
<i>See</i> President and Vice President	
<b>Loans</b>	
Agricultural Market Transition Act .....	896
Asset Conservation, Lender Liability, and Deposit Insurance Protection Act of 1996.....	3009-462

	Page		Page
<b>Loans—Continued</b>		Northeast Interstate Dairy Compact .....	919
Consumer Credit Reporting Reform Act of 1996 .....	3009-426	<b>Medicaid</b>	
Debt Collection Improvement Act of 1996 .....	1321-358	See Health and Health Care	
Farm Credit System Reform Act of 1996 .....	162	<b>Merchant Marine</b>	
Federal Agriculture Improvement and Reform Act of 1996 .....	888	See Maritime Affairs	
Student Loan Marketing Association Reorganization Act of 1996 ....	3009-275	<b>Mercury</b>	
<b>Louisiana</b>		See Chemicals	
Emergency Management Assistance Compact, congressional consent .....	3877	<b>Methamphetamine</b>	
J. Bennett Johnston Waterway, designation .....	3007	See Drugs and Drug Abuse	
Laura C. Hudson Visitor Center, LA, designation .....	4188	<b>Metric Conversion</b>	
United States Civil War Center, designation .....	4171	Savings in Construction Act of 1996 .....	3411
		<b>Middle East</b>	
<b>M</b>		See specific country	
<b>Maine</b>		<b>Military</b>	
Joshua Lawrence Chamberlain Post Office Building, designation .....	3360	See Armed Forces	
Northeast Interstate Dairy Compact .....	919	<b>Minerals and Mining</b>	
<b>Marine Fisheries</b>		Marine Mineral Resources Research Act of 1996 .....	3994
See Fish and Wildlife		Mining and mineral resources research, appropriation authorization .....	3819
<b>Marine Sanctuaries</b>		National Coal Heritage Area Act of 1996 .....	4243
See Fish and Wildlife		<b>Minorities</b>	
<b>Maritime Affairs</b>		Historically Black Graduate Professional Schools, grant renewal limitation, elimination .....	1328
Coast Guard Authorization Act of 1996 .....	3901	<b>Missiles</b>	
Maritime Security Act of 1996 .....	3118	See Arms and Munitions	
Naval vessels, transfer .....	1441	<b>Mississippi</b>	
Operation Sail, commendation .....	3361	1862 Civil War Siege and Battle of Corinth Interpretive Center, MS, establishment .....	4171
<b>Marriage</b>		Emergency Management Assistance Compact, congressional consent .....	3877
Defense of Marriage Act .....	2419	G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center, designation .....	2871
<b>Maryland</b>		Range, designation .....	2806
Emergency Management Assistance Compact, congressional consent .....	3877	<b>Missouri</b>	
Jennings Randolph Lake Project Compact, congressional consent .....	1557	Bi-State Development Agency, additional powers .....	883
Metropolitan Washington Airports Amendments Act of 1996 .....	3274	Bill Emerson Memorial Bridge, designation .....	1391
Washington Metropolitan Area Transit Regulation Compact Amendments, consent .....	3884	Emergency Management Assistance Compact, congressional consent .....	3877
<b>Massachusetts</b>		Land conveyance .....	1443
Boston Harbor Islands National Recreation Area, designation .....	4233	Sammy L. Davis Federal Building, designation .....	3045
Essex National Heritage Area, establishment .....	4257	<b>Montana</b>	
National Marine Fisheries Service Laboratory, conveyance .....	7	Fort Peck Rural County Water Supply System Act of 1996 .....	3646
New Bedford Whaling National Historical Park, establishment .....	4160	<b>Morales, Pueblo</b> .....	804
		<b>Mother Teresa</b> .....	3021
		<b>Motor Vehicles</b>	
		Anti-Car Theft Improvements Act of 1996 .....	1384

# SUBJECT INDEX

B13

	Page		Page
<b>Museums</b>		Women's Rights National Historical	
See Historic Preservation		Park, NY, establishment .....	4155
Muskie, Edmund Sixtus .....	4512	<b>National Wild and Scenic Rivers</b>	
		System	
<b>N</b>		Clarion River, PA, designation .....	3823
<b>National Defense</b>		Elkhorn Creek, OR, designation .....	4223
See also Armed Forces		Lamprey River, NH, designation .....	4149
Ballistic Missile Defense Act of		Wekiva River, FL, designation and	
1995 .....	228	study .....	3818
Combatting Proliferation of Weapons		<b>National Wilderness Preservation</b>	
of Mass Destruction Act of		System	
1996 .....	3470	Bisti/De-Na-Zin Wilderness	
Defense and security assistance .....	1421	Expansion and Fossil Forest	
Economic Espionage Act of 1996 .....	3488	Protection Act .....	4211
Intelligence Authorization Act for		Mollie Beattie Wilderness Area,	
Fiscal Year 1997 .....	3461	designation .....	1451
Intelligence Renewal and Reform Act		<b>National Wildlife Refuge System</b>	
of 1996 .....	3474	Amagansett National Wildlife, NY,	
Maritime Security Act of 1996 .....	3118	land acquisition .....	1378
Military Construction Authorization		Bayou Sauvage Urban National	
Act for Fiscal Year 1996 .....	523	Wildlife Refuge, expansion .....	3167
National Defense Authorization Act		North Platte National Wildlife Refuge,	
for Fiscal Year 1996 .....	186	NE, boundary revision .....	3014
National Defense Authorization Act		Oahu National Wildlife Refuge	
for Fiscal Year 1997 .....	2422	Complex, HI, land	
National Imagery and Mapping		acquisition .....	3010
Agency Act of 1996 .....	2675	Pettaquamscutt Cove National	
<b>National Forest System</b>		Wildlife Refuge, RI,	
Midwin National Tallgrass Prairie,		expansion .....	3014
IL, establishment .....	599	Tensas River National Wildlife	
Opal Creek Wilderness and Opal		Refuge, appropriation	
Creek Scenic Recreation Area Act		authorization, increase .....	3167
of 1996 .....	3009-523	<b>Native Americans</b>	
Talladega National Forest, AL,		Alaska natives, study .....	3301
boundary expansion .....	3817	Coquille Tribal Forest, OR,	
<b>National Parks, Memorials,</b>		designation .....	3009-537
<b>Monuments</b>		Crow Creek Sioux Tribe	
Black Patriots Memorial, DC,		Infrastructure Development	
extension .....	4155	Trust Fund Act of 1996 .....	3026
Japanese American Patriotism		Federal employees, contracting or	
Memorial, DC, establishment .....	4165	trading with, repeal .....	1565
Laura C. Hudson Visitor Center, LA,		Goshute Indian Reservation, land	
designation .....	4188	acquisition .....	3013
Martin Luther King, Jr. Memorial,		Indian Environmental General	
DC, establishment .....	4157	Assistance Program,	
National AIDS Memorial Grove, CA,		reauthorization .....	3057
designation .....	4171	Indian Health Care Improvement	
National D-Day Memorial, VA,		Technical Corrections Act of	
designation .....	2670	1996 .....	3820
New Bedford Whaling National		Indian Self-Determination and	
Historical Park, MA,		Education Assistance,	
establishment .....	4160	promulgation of	
Omnibus Parks and Public Lands		regulations, extension .....	1320
Management Act of 1996 .....	4093	National Museum of the American	
Robert J. Lagomarsino Visitor Center,		Indian Act Amendments of	
CA, designation .....	4189	1996 .....	3355
Tallgrass Prairie National Preserve		Native American Housing Assistance	
Act of 1996 .....	4204	and Self-Determination Act of	
Vancouver National Historic Reserve,		1996 .....	4016
WA, establishment .....	4154	Navajo-Hopi Land Dispute Settlement	
William B. Smullin Visitor Center,		Act of 1996 .....	3649
OR, designation .....	4200	Prairie Island Indian Community,	
		charter of incorporation,	
		revoked .....	3176

	Page		Page
<b>Native Americans—Continued</b>		National Film Preservation Foundation, establishment .....	3382
Pueblo of Isleta Indian tribe, land claims, jurisdiction .....	2418	National Natural Resources Conservation Foundation Act .....	1010
Saddleback Mountain-Arizona Settlement Act of 1995.....	50	United States National Tourism Organization, establishment.....	3403
Technical corrections to laws.....	763	<b>North Atlantic Treaty Organization</b>	
<b>NATO</b>		NATO Enlargement Facilitation Act of 1996 .....	3009-173
See North Atlantic Treaty Organization		<b>North Carolina</b>	
<b>Natural Gas</b>		Hydroelectric project deadline, extension .....	3170
Pipeline Safety and Partnership Act of 1996.....	3793	Veach-Baley Federal Complex, designation.....	3032
Propane Education and Research Act of 1996 .....	3370	<b>Nurses and Nursing</b>	
<b>Nazi War Crimes</b>		See Health and Health Care	
Public disclosure .....	3815	<b>O</b>	
<b>Nebraska</b>		<b>Ohio</b>	
Crawford National Fish Hatchery Conveyance Act.....	3018	Hydroelectric projects and licenses, extension .....	3143, 3171
Irrigation Project Contract Extension Act of 1996.....	4000	Ohio & Erie Canal National Heritage Corridor Act of 1996.....	4267
North Platte National Wildlife Refuge, NE, boundary revision .....	3014	Thomas D. Lambros Federal building and United States courthouse, designation.....	1323
Roman L. Hruska Federal Building and United States Courthouse.....	3046	<b>Oil</b>	
<b>Nevada</b>		See Petroleum and Petroleum Products	
Michael O'Callaghan Military Hospital, designation.....	2806	<b>Oklahoma</b>	
<b>New Hampshire</b>		Emergency Management Assistance Compact, congressional consent .....	3877
Lamprey River, wild and scenic river, designation.....	4149	<b>One Nation Under God, Inc.</b> .....	4432
Northeast Interstate Dairy Compact .....	919	<b>Operation Sail</b>	
Vermont-New Hampshire Interstate Public Water Supply Compact .....	884	Commendation.....	3361
<b>New Jersey</b>		<b>Oregon</b>	
Great Falls Historic District, establishment .....	4158	Coquille Tribal Forest, designation.....	3009-537
<b>New Mexico</b>		David J. Wheeler Federal Building, designation.....	49
Bisti/De-Na-Zin Wilderness Expansion and Fossil Forest Protection Act .....	4211	Elkhorn Creek, wild and scenic river, designation .....	3009-531, 4223
<b>New York</b>		Hydroelectric project extension deadline, reinstatement .....	3145
Amagansett National Wildlife Refuge, land acquisition .....	1378	Mark O. Hatfield United States Courthouse, designation .....	3009-362, 3024
Hudson River Valley National Area Act .....	4275	Opal Creek Wilderness and Opal Creek Scenic Recreation Area Act of 1996 .....	3009-523
Rose Y. Caracappa United States Post Office Building, designation .....	1754	Opal Creek Wilderness and Scenic Recreation Area, establishment .....	4215
<b>Nonprofit Organizations</b>		Oregon Resource Conservation Act of 1996 .....	3009-523
Calvin Coolidge Memorial Foundation, grants .....	3868	William B. Smullin Visitor Center, designation.....	4200
Corporation for the Promotion of Rifle Practice and Firearms Safety Act .....	515	William L. Jess Dam and Intake Structure, designation.....	3006
Edmund S. Muskie Foundation, DC, establishment .....	3868		
Fleet Reserve Association, DE, Federal charter .....	2760		
Food and grocery donations.....	3011		

# SUBJECT INDEX

B15

	Page		Page
<b>P</b>			
<b>Palestine Liberation Organization</b>		Coroatia, U.S. delegation .....	4517
Bank for Economic Cooperation and		Edmund Sixtus Muskie .....	4512
Development in the Middle East		Jeremy M. Boorda .....	4536
and North Africa Act .....	3009-179	Saudi Arabia, bombing victims .....	4543
Middle East Peace Facilitation Act of		Emergency declarations	
1995 .....	755	Feed grain disaster reserve .....	4543
<b>Panama</b>		Vessels, anchorage and	
Panama Canal Amendments Act of		movement .....	4505
1995 .....	638	Grand Staircase-Escalante National	
Panama Canal Commission		Monument, establishment .....	4561
Authorization Act for Fiscal Year		Special observances	
1996 .....	637	African American History	
<b>Pang, Martin</b> .....	4490	Month .....	4501
<b>Parole</b>		America Goes Back to School .....	4555
See Law Enforcement and Crime		American Heart Month .....	4502
<b>Patents and Trademarks</b>		American Red Cross Month .....	4504
Federal Oil and Gas Royalty		Asian/Pacific American Heritage	
Simplification and Fairness Act of		Month .....	4530
1996 .....	1700	Breast Cancer Awareness	
Patents and copyright cases,		Month .....	4571
compensation .....	3814	Cancer Control Month .....	4513
<b>Pennsylvania</b>		Captive Nations Week .....	4545
Clarion River, wild and scenic river,		Centers for Disease Control and	
designation .....	3823	Prevention Day .....	4542
Hydroelectric project deadline,		Child Abuse Prevention Month .....	4519
extension .....	3168	Citizenship Day .....	4558
Max Rosen United States		Constitution Week .....	4558
Courthouse, designation .....	774	Crime Victims' Rights Week .....	4525
Steel Industry American Heritage		D.A.R.E. Day .....	4520
Area Act of 1996 .....	4252	Day of Prayer .....	4515
William J. Nealon Federal Building		Day of Remembrance of the	
and United States Courthouse,		Oklahoma City Bombing .....	4518
designation .....	1412	Defense Transportation Day .....	4534
<b>Petroleum and Petroleum Products</b>		Disability Employment Awareness	
Federal oil and gas royalty		Month .....	4575
management, technical		Domestic Violence Awareness	
corrections .....	2421	Month .....	4572
Federal Oil and Gas Royalty		Education and Sharing Day,	
Simplification and Fairness Act of		U.S.A. .....	4515
1996 .....	1700	Farm Safety and Health Week .....	4557
<b>Pilots</b>		Father's Day .....	4541
See Transportation		Flag Day .....	4540
<b>PLO</b>		Flag Week .....	4540
See Palestine Liberation Organization		Gold Star Mother's Day .....	4567
<b>Pornography</b>		Greek Independence Day .....	4511
See Law Enforcement and Crime		Hispanic Heritage Month .....	4560
<b>President and Vice President</b>		Historically Black Colleges and	
Line Item Veto Act .....	1200	Universities Week .....	4565
Presidential and Executive Office		Jewish Heritage Week .....	4525
Accountability Act .....	4053	Korean War Veterans Armistice	
U.S.-Israel free trade benefits,		Day .....	4546
additional authority .....	3058	Labor History Month .....	4529
<b>Prison</b>		Law Day, U.S.A. .....	4528
See Law Enforcement and Crime		Loyalty Day .....	4527
<b>Proclamations</b>		Maritime Day .....	4537
Bulgaria, most-favored-nation		Martin Luther King, Jr., Federal	
treatment, extension .....	4567	Holiday .....	4499
Burma, immigrant and nonimmigrant		Memorial Day .....	4538
entry, suspension .....	4570	Minority Enterprise Development	
Deaths		Week .....	4549
		Month of Unity .....	4544
		Mother's Day .....	4531

	Page		Page
<b>Proclamations—Continued</b>		Navajo-Hopi Land Dispute Settlement	
Older Americans Month.....	4532	Act of 1996.....	3649
Organ and Tissue Donor Awareness		Oahu National Wildlife Refuge	
Week.....	4524	Complex, HI, land	
Pan American Day.....	4522	acquisition.....	3010
Pan American Week.....	4522	Omnibus Parks and Public Lands	
Parents' Day.....	4547	Management Act of 1996.....	4093
Park Week.....	4508	Pueblo of Isleta Indian tribe, land	
Pay Inequity Awareness Day.....	4521	claims, jurisdiction.....	2418
Peace Officers Memorial Day.....	4533	Saddleback Mountain-Arizona	
Poison Prevention Week.....	4509	Settlement Act of 1995.....	50
Police Week.....	4533	Talladega National Forest, AL,	
POW/MIA Recognition Day.....	4559	boundary expansion.....	3817
Prayer for Peace.....	4538	Waste Isolation Pilot Plant Land	
Religious Freedom Day.....	4500	Withdrawal Amendment Act.....	2851
Roosevelt History Month.....	4574	Wyoming fish and wildlife facility,	
Safe Boating Week.....	4535	property conveyance.....	3352
Save Your Vision Week.....	4507		
Small Business Week.....	4539	<b>Q</b>	
Smithsonian Institution,		Quy An, Nguyen.....	4288
anniversary.....	4503		
Student Voter Education Day.....	4569	<b>R</b>	
Transportation Week.....	4534	<b>Radio Marti</b>	
Volunteer Week.....	4523	Multilingual computer readable text	
Women's Equality Day.....	4548	and voice recordings,	
Women's History Month.....	4510	availability.....	3300
World Trade Week.....	4536	<b>Rape</b>	
Tariffs		See Law Enforcement and Crime	
Cheeses, modification.....	4550	<b>Recreation and Recreational Areas</b>	
<b>Procurement</b>		Boston Harbor Islands National	
See Contracts		Recreation Area, MA,	
<b>Propane</b>		establishment.....	4233
See Natural Gas		Neal Smith Bike Trail, IA,	
<b>Public Debt Limit</b>		designation.....	2986
Increase.....	875	Opal Creek Wilderness and Opal	
<b>Public Information</b>		Creek Scenic Recreation Area Act	
Electronic Freedom of Information Act		of 1996.....	3009-523
Amendments of 1996.....	3048	Opal Creek Wilderness and Scenic	
<b>Public Lands</b>		Recreation Area, OR,	
Amagansett National Wildlife, NY,		establishment.....	4215
land acquisition.....	1378	<b>Recycling</b>	
Colorado, land exchange.....	1406	Rechargeable Battery Recycling	
El Centro Naval Air Facility Ranges		Act.....	1332
Withdrawal Act.....	2813	Reclamation Recycling and Water	
Father Aull Site Transfer Act of		Conservation Act of 1996.....	3290
1996.....	3009-203, 4114	<b>Religion</b>	
Fort Carson-Pinon Canyon Military		Church Arson Prevention Act of	
Lands Withdrawal Act.....	2807	1996.....	1392
Goshute Indian Reservation, land		<b>Rhode Island</b>	
acquisition.....	3013	Claiborne Pell Institute for	
Greens Creek Land Exchange Act of		International Relations and	
1995.....	879	Public Policy Act.....	3867
Helium Privatization Act of 1996.....	3315	Harry Kizirian Post Office Building,	
Illinois Land Conservation Act of		designation.....	48
1995.....	594	Northeast Interstate Dairy	
Kenai Natives Association Equity Act		Compact.....	919
Amendments of 1996.....	4139	Pattaquamscutt Cove National	
Land Disposal Program Flexibility Act		Wildlife Refuge, expansion.....	3014
of 1996.....	830	<b>Rivers and Harbors</b>	
Missouri, land conveyance.....	1443	Cache La Poudre River Corridor	
National Children's Island Act of		Act.....	3889
1995.....	1416		

# SUBJECT INDEX

B17

	Page		Page
Hudson River Valley National Heritage Area Act of 1996 .....	4275	Small Business Programs Improvement Act of 1996 .....	3009-724
Trinity River Basin Fish and Wildlife Management Act of 1995 .....	1338	Small Business Regulatory Enforcement Fairness Act of 1996 .....	857
<b>Romania</b> Most-favored-nation status, extension .....	1539	<b>Smithsonian Institution</b> National Air and Space Museum, VA, construction authorization .....	3025
<b>Rosboro Lumber Company</b> .....	4222	<b>Social Security</b> Benefit payments .....	55, 825
<b>S</b>		<b>Solid Waste</b> See Environmental Protection	
<b>Saccharin</b> See Drugs and Drug Abuse		<b>South Carolina</b> Emergency Management Assistance Compact, congressional consent .....	3877
<b>Safety</b> Accountable Pipeline Safety and Partnership Act of 1996 .....	3793	South Carolina National Heritage Corridor Act of 1996 .....	4260
Corporation for the Promotion of Rifle Practice and Firearm Safety Act .....	515	Walhalla Fish Hatchery Conveyance Act .....	3288
Intermodal Safe Container Transportation Amendments Act of 1996 .....	3453	<b>South Dakota</b> Emergency Management Assistance Compact, congressional consent .....	3877
Megan's Law National Transportation Safety Board Amendments of 1996 .....	3452	<b>T</b>	
Propane Education and Research Act of 1996 .....	3370	<b>Taxes</b> Armed forces, hazardous duty pay, tax benefits .....	827
Safe Drinking Water Act Amendments of 1996 .....	1613	Debt Collection Improvement Act of 1996 .....	1321-358
<b>Salas-Velazquez, Oscar</b> .....	4287	Taxpayer Bill of Rights 2 .....	1452
<b>Schools</b> See Education		<b>Tea</b> Federal Tea Taster Repeal Act of 1985 .....	1198
<b>Science and Technology</b> Antarctic Science, Tourism, and Conservation Act .....	3034	<b>Telecommunications</b> See Communications	
Computers Voice of America and Radio Marti multilingual readable text and voice recordings, availability .....	3300	<b>Tennessee</b> Emergency Management Assistance Compact, congressional consent .....	3877
Electronic Freedom of Information Act Amendments of 1996 .....	3048	James H. Quillen Department of Veterans Affairs Medical Center, TN, designation .....	3209
Hydrogen Future Act of 1996 .....	3304	L. Clure Morton United States Post Office and Courthouse, designation .....	3354
Information Technology Management Reform Act of 1996 .....	679	Mutual Aid Agreement, congressional consent .....	1609
National Technology Transfer Advancement Act of 1995 .....	775	Tennessee Civil War Heritage Area, designation .....	4245
<b>Securities</b> Capital Markets Efficiency Act of 1996 .....	3417	<b>Terrorism</b> Antiterrorism and Effective Death Penalty Act of 1996 .....	1214
Investment Advisers Supervision Coordination Act .....	3436	Justice for Victims of Terrorism Act of 1996 .....	1243
Investment Company Act Amendments of 1996 .....	3426	<b>Texas</b> Amos F. Longoria Post Office Building, designation .....	3169
National Securities Markets Improvement Act of 1996 .....	3416	Emergency Drought Relief Act of 1996 .....	3862
Securities and Exchange Commission Authorization Act of 1996 .....	3441		
<b>Sexual Assaults</b> See Law Enforcement and Crime			
<b>Shalikashvili, John</b> .....	492		
<b>Small Business</b> Small Business Job Protection Act of 1996 .....	1755		

	Page		Page
<b>Texas</b> —Continued		<b>Vermont</b>	
George Bush School of Government and Public Service Act.....	3867	Northeast Interstate Dairy Compact.....	919
Jim Chapman Lake, designation .....	3006	Vermont-New Hampshire Interstate Public Water Supply Compact.....	884
Timothy C. McCaghen Customs Administrative Building, designation.....	1325, 3009-711	<b>Veterans</b>	
<b>Tourism</b>		Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997.....	2874
Antarctic Science, Tourism, and Conservation Act of 1996.....	3034	Programs and activities, extension .....	768
United States National Tourism Organization Act of 1996.....	3402	Veterans' Benefits Improvements Act of 1996 .....	3322
<b>Traffic</b>		Veterans' Compensation Cost-of- Living Adjustment Act of 1996 .....	3212
See Transportation		Veterans' Health Care Eligibility Reform Act of 1996.....	3177
<b>Transportation</b>		Veterans' Insurance Reform Act of 1996 .....	3337
Airport Revenue Protection Act of 1996.....	3269	<b>Victims Rights</b>	
Airports		Justice for Victims of Terrorism Act of 1996 .....	1243
Air Traffic Management System Performance Improvements Act of 1996 .....	3227	Mandatory Victims Restitution Act of 1996 .....	1227
Aviation Disaster Family Act of 1996 .....	3264	<b>Virginia</b>	
Child Pilot Safety Act.....	3263	Emergency Management Assistance Compact, congressional consent .....	3877
Federal Aviation Reauthorization Act of 1996 .....	3213	Metropolitan Washington Airports Amendments Act of 1996.....	3274
Pilot Records Improvement Act of 1996 .....	3259	Mount Pleasant National Scenic Area, designation.....	1187
Department of Transportation and Related Agencies Appropriations Act, 1997 .....	2951	Mutual Aid Agreement, congressional consent .....	1609
FAA Research, Engineering, Development Management Reform Act of 1996.....	3278	National D-Day Memorial Foundation, designation.....	2671
Intermodal Safe Container Transportation Amendments Act of 1996 .....	3453	National Maritime Center, designation.....	460
National Transportation Safety Board Amendments of 1996 .....	3452	Shenandoah Valley Battlefields National Historic District and Commission Act of 1996.....	4174
Traffic signal synchronization projects, exemption.....	3175	Smithsonian Institution National Air and Space Museum Dulles Center, construction authorization .....	3025
United States Code, codification .....	3388	Washington Metropolitan Area Transit Regulation Compact, consent .....	3884
<b>U</b>		<b>Voice of America</b>	
<b>Uranium</b>		Multilingual computer readable text and voice recordings, availability .....	3300
See Energy		<b>Votintsev, Y.V.</b> .....	491
<b>Urban and Rural Areas</b>		<b>W</b>	
Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997.....	2874	<b>Waldheim, Kurt</b> .....	3815
Fort Peck Rural County Water Supply System Act of 1996.....	3646	<b>Washington</b>	
<b>Ustinov, D.F.</b> .....	491	Vancouver National Historic Reserve, establishment .....	4154
<b>Utah</b>			
Central water conservancy district, repayment contracts, prepayment.....	3387		
Goshute Indian Reservation, land acquisition.....	3013		
<b>V</b>			
<b>Vance, Nathan C.</b> .....	4286		

# SUBJECT INDEX

B19

	Page		Page
<b>Waste Disposal</b>		Research authorization, extension .....	1375
<i>See</i> Environmental Protection		Safe Drinking Water Act	
<b>Water</b>		Amendments of 1996 .....	1613
California Bay-Delta Environmental		USEC Privatization Act.....	1321-335
Enhancement and Water Security		Vermont-New Hampshire Interstate	
Act .....	3009-748	Public Water Supply	
Central Utah Water Conservancy		Compact .....	884
District, repayment contracts,		Water Desalination Act of 1996 .....	3622
prepayment .....	3387	Water Resources Development Act of	
Crow Creek Sioux Tribe		1996 .....	3658
Infrastructure Development		William L. Jess Dam and Intake	
Trust Fund Act of 1996 .....	3026	Structure, OR, designation .....	3006
Deepwater Port Modernization		<b>Weapons</b>	
Act .....	3925	<i>See</i> Arms and Munitions	
District of Columbia Water and Sewer		<b>Welfare Reform</b>	
Authority Act of 1996 .....	1696	Personal Responsibility and Work	
Fort Peck Rural County Water Supply		Opportunity Reconciliation Act of	
System Act of 1996 .....	3646	1996 .....	2105
Irrigation Project Contract Extension		Technical corrections .....	4002
Act of 1996 .....	4000	<b>West Virginia</b>	
J. Bennett Johnston Waterway, LA,		Emergency Management Assistance	
designation .....	3007	Compact, congressional	
Jim Chapman Lake, TX,		consent .....	3877
designation .....	3006	Hydroelectric project deadline,	
National Invasive Species Act of		extension .....	1552, 3146
1996 .....	4073	Jennings Randolph Lake Project	
Panama Canal Act Amendments of		Compact, congressional	
1996 .....	2860	consent .....	1557
Panama Canal Amendments Act of		National Coal Heritage Area Act of	
1995 .....	638	1996 .....	4243
Panama Canal Commission		<b>Wildlife</b>	
Authorization Act for Fiscal Year		<i>See</i> Fish and Wildlife	
1996 .....	637	<b>Wyoming</b>	
Panama Canal Commission		Fish and wildlife facility, property	
Authorization Act for Fiscal Year		conveyance .....	3352
1997 .....	2859		
Reclamation Recycling and Water			
Conservation Act of 1996 .....	3290		